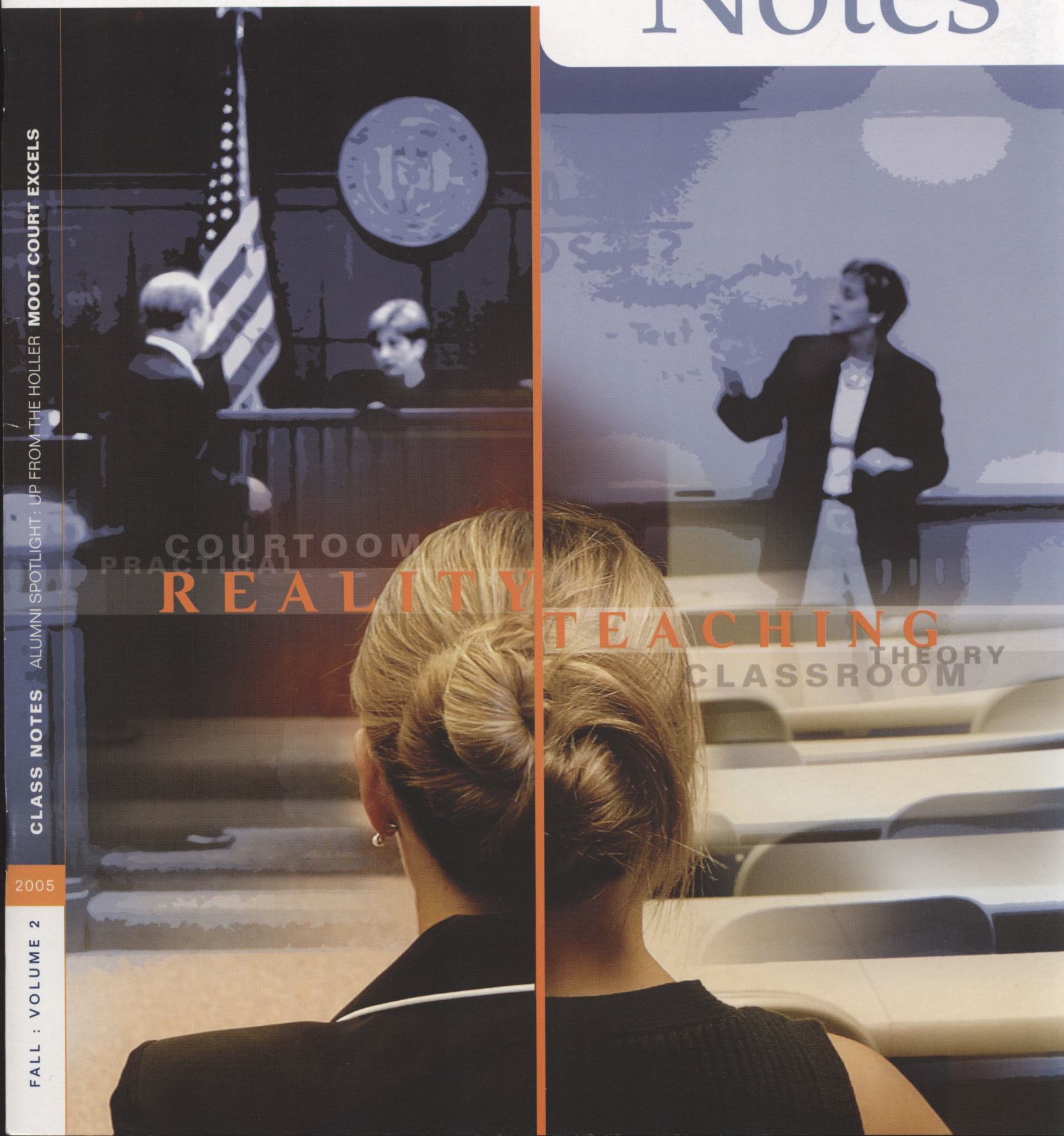
UNIVERSITY OF KENTUCKY

# Law Notes




**CLASS NOTES** ALUMNI SPOTLIGHT : UP FROM THE HOLLER **MOOT COURT EXCELS**

FALL : VOLUME 2

2005

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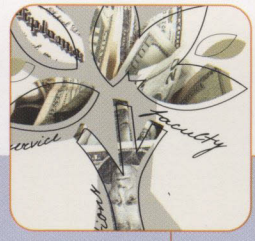

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**Dean**
Allan W. Vestal

**Communications Director and Editor**
Rebekah Meador Tilley

**Publication Design**
The Williams McBride Group

**Photography**
Lee P. Thomas

**Printing**
Advertiser Printers, Inc.

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**On the Cover**

The Honorable Mary C. Noble, William R. Garmer, Esq., Professor Lori Ringhand, and Farrah Fraser


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209 Law Building, Lexington, KY 40506-0048
(859) 257-1678 • www.uky.edu/Law


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# from the dean

**"In our use of adjunct professors, we are perhaps out of the mainstream of law schools. We are there by design. We are there because that is the best way to educate our students."**

Dean Allan Vestal

Dear Friend of the College of Law,

In this issue of the College of Law magazine, *Law Notes*, we highlight the role that adjunct professors play in the life of the school.

At some law schools, adjunct professors would not be highlighted in a publication of this type. At such schools, large and revolving groups of marginally qualified adjuncts fill holes in the faculty, teach courses regular faculty members won't, and are used as a cost-saving strategy.

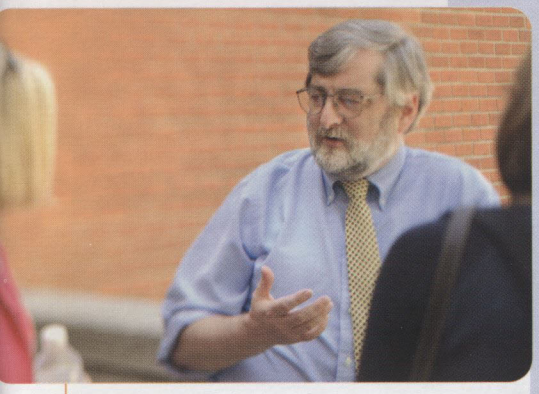
Not at UK. Here, we have a relatively small and exceptionally stable cadre of highly qualified adjuncts. They teach in areas where they are well-qualified and they really enhance the classes with their practice backgrounds.

Our first-year students are taught legal writing by an outstanding group of small section adjuncts. Our upper-division students have a number of educational enhancements because of our adjuncts. They learn litigation skills from the likes of Marianna Clay, Bobby Elliott, Pierce Hamblin, Ray Larson, Steve O'Brien, Pete Perlman, and Joe Savage. They are mentored in the prison setting by Ed Henry, and in patent prosecution by Sam Smith. They are tutored in immigration law by Marilyn Daniels and Kentucky appellate practice by Janet Stumbo. They learn UCC Article 9 from John McGarvey and medical malpractice from Bill Garmer; they study ADR with Lee Rowland and intellectual property law with Richard Warne. Ours is truly an impressive roster of practitioners.

In our use of adjunct professors, we are perhaps out of the mainstream of law schools. We are there by design. We are there because that is the best way to educate our students.

I hope you enjoy reading about our adjunct professors, and I hope you will take the time to thank them for their contributions to the law school when you encounter them on the street or in the courtroom.

Best regards,



97.6% of the UK Law Class of '04 were employed full-time in legal or business positions within nine months following graduation.

Allan W. Vestal, Dean
UK College of Law

## BY THE NUMBERS

366 Number of Kentucky cases of methamphetamine trafficking and manufacturing in 1999.

1854 Number of cases of methamphetamine trafficking and manufacturing in 2004; a five-fold increase over five years.

21 Number of law schools in 1860.

190 Number of law schools approved by the American Bar Association as of February 2005.

16 Percentage of the 2004 graduating class who are now in government service.

9 Percent increase over the 2003 graduating class.

16 Number of undergraduate programs represented in the 2005 UK Law incoming class ranked in the top 50 colleges and universities in America by *U.S. News & World Report*; including Harvard, Princeton, Brown, Georgetown, Emory, Vanderbilt, Notre Dame, and the University of Michigan.

*Sources: 2004-2005 Kentucky Blue Ribbon Commission Report on Criminal Prosecutions, Law School by Robert Stevens; American Bar Association website: College of Law Career Services Office; U.S. News & World Report (2005)*

## Letters to the Editor:

*Law Notes* welcomes your letters on its contents. Please write to *Law Notes*, 209 Law Building, Lexington, KY 40506-0048. Fax comments to 859-323-1061 or email *Law Notes* at rtilley@uky.edu. Letters may be edited for length and clarity.

## UK LAW FINDS ROLE IN COMMONWEALTH'S WAR ON NARCOTIC ABUSE

*By Sarah Pearce*

The Commonwealth has witnessed a significant rise in drug abuse in the past several years. From marijuana, makeshift methamphetamine labs and the abuse of prescription drugs like Oxycontin and Methadone, the Kentucky judicial system is overwhelmed with cases stemming from this epidemic plaguing our Commonwealth. The Louisville *Courier-Journal* recently reported that 80 percent of all Kentucky prisoners are said to have drug or alcohol problems.

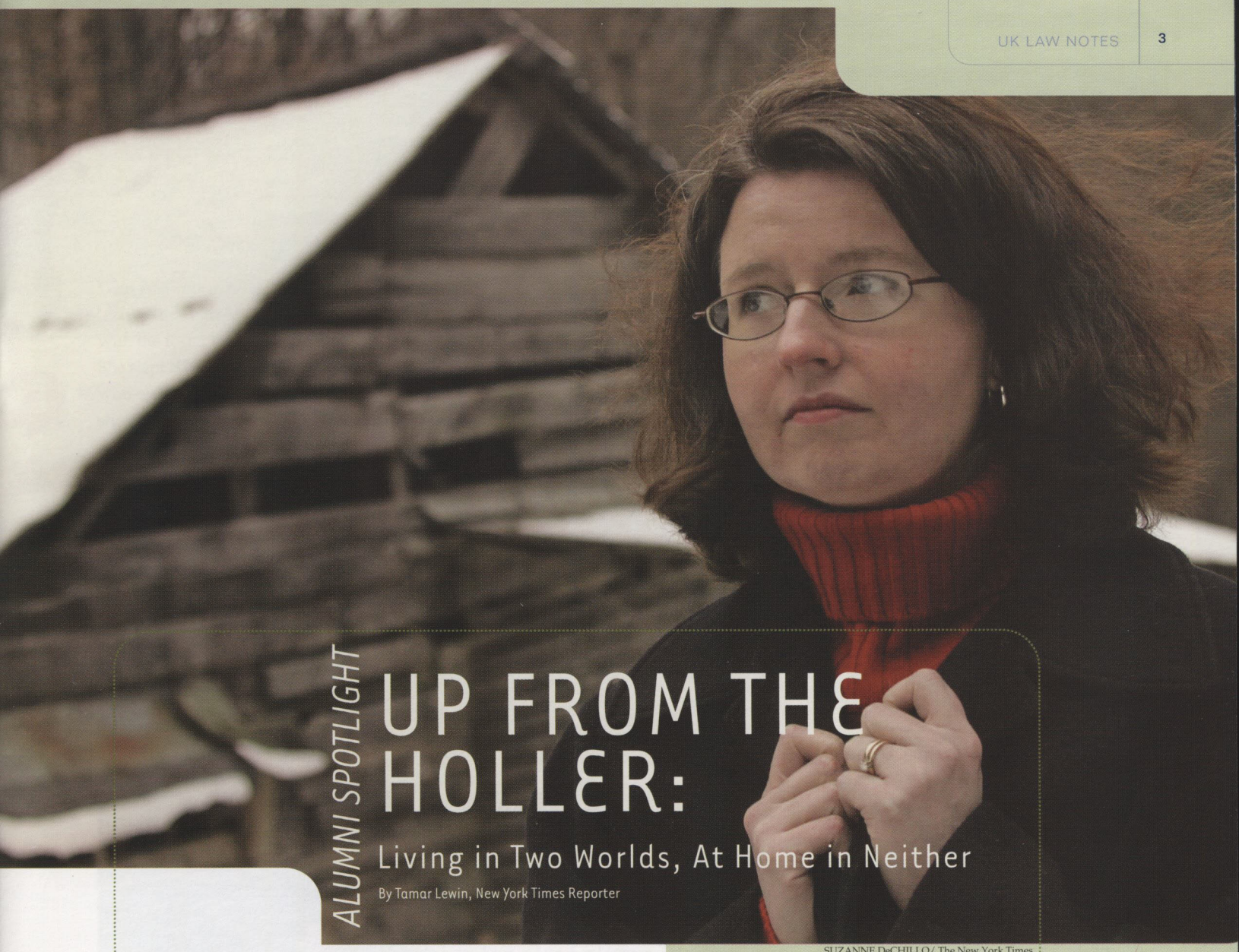
On June 7, Dean Allan Vestal announced almost $1 million in federal funds earmarked for the University of Kentucky College of Law to provide law students and graduates with the opportunity to address the vast legal needs stemming from narcotic abuse. The Rural Drug Prosecution Assistance Project not only benefits the judicial system in underserved areas of the state, it also offers law students and young attorneys an excellent opportunity to serve the Kentucky community.

The Rural Drug Prosecution Assistance Project will provide prosecutors, public defenders and judges with additional resources to hire law students for summer clerkships to help in the fight against illegal drugs. The program will also provide salary grants and tuition remissions for graduates to work as prosecutors or public defenders, which will in turn lessen the strain the drug-related prosecutions place on the states' judicial system.

"This program will enable UK law students to work alongside criminal justice professionals to help combat the illegal drug problem in Kentucky," Vestal said. "Our law students will benefit by gaining experience on the front lines of the war on drugs, in addition to our graduates receiving tuition reimbursements. It also gives attorneys additional help to make sure our justice system functions the way it is intended."

Vestal adds that the program has many goals, the obvious being to enhance the ability of the criminal justice system in the rural parts of the Commonwealth to prosecute and defend the increased volume of drug-related cases. In doing so, the college is reaching additional goals of better serving the community, students and graduates.

U.S. Sen. Mitch McConnell was instrumental in insuring federal appropriations for this project. □



ALUMNI SPOTLIGHT

# UP FROM THE HOLLER:

## Living in Two Worlds, At Home in Neither

By Tamar Lewin, New York Times Reporter

SUZANNE DeCHILLO/ The New York Times

▶ Della Mae Justice '97

As the Commonwealth's first state law school, the University of Kentucky College of Law has long trained legal professionals who go on to make a significant professional and personal impact on their communities. In the quest for a legal education, many of our graduates overcome great obstacles through raw talent and sheer determination. Perhaps none more so than Della Justice, Class of 1997. Justice was the subject of a May 2005 *New York Times* feature about the class changing journey she has taken empowered, in part, by her legal education.

Della Mae Justice stands before the jury in the Pike County Courthouse, arguing that her client's land in Greasy Creek Hollow was illegally grabbed when the neighbors expanded their cemetery behind her home.

With her soft Appalachian accent, Ms. Justice leaves no doubt that she is a local girl, steeped in the culture of the old family cemeteries that dot the mountains here in East Kentucky. "I grew up in a holler, I surely did," she tells jurors as she lays out the boundary conflict.

Ms. Justice is, indeed, a product of the Appalachian coal-mining country where lush mountains flank rust-colored creeks, the hollows rising so steeply that there is barely room for a house on either side of the creeks. Her family was poor, living for several years in a house without indoor plumbing. Her father was absent; her older half-brother sometimes had to hunt squirrels for the family to eat. Her mother married again when Della was 9. But the stepfather, a truck driver, was frequently on the road, and her mother, who was mentally ill, often needed the young Della to care for her.

Ms. Justice was always hungry for a taste of the world beyond the mountains. Right after high school, she left Pike County, making her way through college and law school, spending time in France, Scotland and Ireland, and beginning a high-powered legal career. In just a few years she moved up the ladder from rural poverty to the high-achieving circles of the middle class.

Now, at 34, she is back home. But her journey has transformed her so thoroughly that she no longer fits in easily. Her change in status has left Ms. Justice a little off balance, seeing the world from two vantage points at the same time: the one she grew up in and the one she occupies now.

Far more than people who remain in the social class they are born to, surrounded by others of the same background, Ms. Justice is sensitive to the cultural significance of the cars people drive, the food they serve at parties, where they go on vacation—all the little clues that indicate social status. By every conventional measure, Ms. Justice is now solidly middle class, but she is still trying to learn how to feel middle class. Almost every time she expresses an idea, or explains herself, she checks whether she is being understood, asking, "Does that make sense?"

"I think class is everything, I really do," she said recently. "When you're poor and from a low socioeconomic group, you don't have a lot of choices in life. To me, being from an upper class is all about confidence. It's knowing you have choices, knowing you set the standards, knowing you have connections."

Joe Justice (UK Law '62) rescued Della from foster care. They now practice law together.

SUZANNE DeCHILLO/ The New York Times

## BROKEN TIES

In Pikeville, the site of the Hatfield-McCoy feud (Ms. Justice is a Hatfield), memories are long and family roots mean a lot. Despite her success, Ms. Justice worries about what people might remember about her, especially about the time when she was 15 and her life with her mother and stepfather imploded in violence, sending her into foster care for a wretched nine months.

"I was always in the lowest socioeconomic group," she said, "but foster care ratcheted it down another notch. I hate that period of my life, when for nine months I was a child with no family."

While she was in foster care, Ms. Justice lived in one end of a double-wide trailer, with the foster family on the other end. She slept alongside another foster child, who wet the bed, and every morning she chose her clothes from a box of hand-me-downs. She was finally rescued when her father heard about her situation and called his nephew, Joe Justice.

Joe Justice was 35 years older than Della, a successful lawyer who lived in the other Pikeville, one of the well-to-do neighborhoods on the mountain ridges. He and his wife, Virginia, had just built a four-bedroom contemporary home, complete with a swimming pool, on Cedar Gap Ridge.

Joe Justice had never even met his cousin until he saw her in the trailer, but afterward he told his wife that it was "abhorrent" for a close relative to be in foster care. While poverty is common around Pikeville, foster care is something much worse: a sundering of the family ties that count for so much. So Joe and Virginia Justice took Della Mae in. She changed schools, changed address—changed worlds, in effect—and moved into an octagonal bedroom downstairs from the Justices' 2 year-old son.

"The shock of going to live in wealth, with Joe and Virginia, it was like Little Orphan Annie going to live with the Rockefellers," Ms. Justice said. "It was not easy. I was shy and socially inept. For the first time, I could have had the right clothes, but I didn't have any idea what the right clothes were. I didn't know much about the world, and I was always afraid of making a wrong move. When we had a school trip for chorus, we went to a restaurant. I ordered a club sandwich, but when it came with those toothpicks on either end, I didn't know how to eat it, so I just sat there, staring at it and starving, and said I didn't feel well."

Joe and Virginia Justice worried about Della Mae's social unease and her failure to mingle with other young people in their church. But they quickly sensed her intelligence and encouraged her to attend Berea College, a small liberal arts institution in Kentucky that accepts students only from low-income families. Tuition is free and everybody works. For Ms. Justice, as for many other Berea students, the experience of being one among many poor people, all academically capable and encouraged to pursue big dreams, was life-altering.

It was at Berea that Ms. Justice met the man who became her husband, Troy Price, the son of a tobacco farmer with a sixth-grade education. They married after graduation, and when Ms. Justice won a fellowship, the couple went to Europe for a year of independent travel and study. When Ms. Justice won a scholarship to the University of Kentucky law school in Lexington, Mr. Price went with her, to graduate school in family studies.

> "...it was like Little Orphan Annie going to live with the Rockefellers."

After graduating fifth in her law school class, Ms. Justice clerked for a federal judge, then joined Lexington's largest law firm, where she put in long hours in hopes of making partner. She and her husband bought a townhouse, took trips, ate in restaurants almost every night and spent many Sunday afternoons at real estate open houses in Lexington's elegant older neighborhoods. By all appearances, they were on the fast track.

But Ms. Justice still felt like an outsider. Her co-editors on the law review, her fellow clerks at the court and her colleagues at the law firm all seemed to have a universe of information that had passed her by. She saw it in matters big and small—the casual references, to Che Guevara or Mount Vesuvius, that meant nothing to her; the food at dinner parties that she would not eat because it looked raw in the middle.

"I couldn't play Trivial Pursuit, because I had no general knowledge of the world," she said. "And while I knew East Kentucky, they all knew a whole lot about Massachusetts and the Northeast. They all knew who was important, whose father was a federal judge. They never doubted that they had the right thing to say. They never worried about anything."

Most of all, they all had connections that fed into a huge web of people with power. "Somehow, they all just knew each other," she said.

## KNITTING A NEW FAMILY

Ms. Justice's life took an abrupt turn in 1999, when her half-brother, back in Pike County, called out of the blue to say that his children, Will and Anna Ratliff, who had been living with their mother, were in foster care. Ms. Justice and her brother had not been close, and she had met the children only once or twice, but the call was impossible to ignore. As her cousin Joe had years earlier, she found it intolerable to think of her flesh and blood in foster care.

So over the next year, Della Mae Justice and her husband got custody of both children and went back to Pikeville, only 150 miles away but far removed from their life in Lexington. The move made all kinds of sense. Will and Anna, now 13 and 12, could stay in touch with their mother and father. Mr. Price got a better job, as executive director of Pikeville's new support center for abused children. Ms. Justice went to work for her cousin at his law firm, where a flexible schedule allowed her to look after the two children.

And yet for Ms. Justice the return to Pikeville has been almost as dislocating as moving out of foster care and into that octagonal bedroom all those years ago. On a rare visit recently to the hollows where she used to live, she was moved to tears when a neighbor came out, hugged her and told her how he used to pray and worry for her and how happy he was that she had done so well. But mostly, she winces when reminded of her past.

"Last week, I picked up the phone in my office," she recalled, "and the woman said who she was, and then said, 'You don't remember me, do you?' And I said, 'Were you in foster care with me?' That was crazy. Why would I do that? It's not something I advertise, that I was in care."

SUZANNE DeCHILLO / The New York Times

Della enjoys a competitive game of Mouse Trap with Will and Anna

> "If your goal is to become, on a national scale, a very important person, you can't start way back on the continuum, because you have too much to make up in one lifetime."

While most of her workweek is devoted to commercial law, Ms. Justice spends Mondays in family court, representing families with the kind of problems hers had. She bristles whenever she runs into any hint of class bias, or the presumption that poor people in homes heated by kerosene or without enough bedrooms cannot be good parents.

"The norm is, people that are born with money have money, and people who weren't don't," she said recently. "I know that. I know that just to climb the three inches I have, which I've not gone very far, took all of my effort. I have worked hard since I was a kid and I've done nothing but work to try and pull myself out."

The class a person is born into, she said, is the starting point on the continuum. "If your goal is to become, on a national scale, a very important person, you can't start way back on the continuum, because you have too much to make up in one lifetime. You have to make up the distance you can in your lifetime so that your kids can then make up the distance in their lifetime."

## COMING TO TERMS WITH LIFE

Ms. Justice is still not fully at ease in the other, well-to-do Pikeville, and in many ways she and her husband had to start from scratch in finding a niche there. Church is where most people in town find friends and build their social life. But Ms. Justice and Mr. Price had trouble finding a church that was a comfortable fit; they went through five congregations, starting at the Baptist church she had attended as a child and ending up at the Disciples of Christ, an inclusive liberal church with many affluent members. The pastor and his wife, transplants to Kentucky, have become their closest friends. Others have come more slowly.

"Partly the problem is that we're young, for middle-class people, to have kids as old as Will and Anna," Ms. Justice said. "And the fact that we're raising a niece and nephew, that's kind of a flag that we weren't always middle class, just like saying you went to Berea College tells everyone you were poor."

And though in terms of her work Ms. Justice is now one of Pikeville's leading citizens, she is still troubled by the old doubts and insecurities. "My stomach's always in knots getting ready to go to a party, wondering if I'm wearing the right thing, if I'll know what to do," she said. "I'm always thinking: How does everybody else know that? How do they know how to act? Why do they all seem so at ease?"

A lot of her energy now goes into Will and Anna. She wants to bring them up to have the middle-class ease that still eludes her. "Will and Anna know what it's like to be poor, and now we want them to be able to be just regular kids," she said. "When I was young, I always knew who were the kids at school with the involved parents that brought in the cookies, and those were the kids who got chosen for every special thing, not ones like me, who got free lunch and had to borrow clothes from their aunt if there was a chorus performance."

Because Ms. Justice is self-conscious about her teeth—"the East Kentucky overbite," she says ruefully—she made sure early on that Anna got braces. She worries about the children's clothes as much as her own. "Everyone else seems to know when the khaki pants the boys need are on sale at J.C. Penney," she said. "I never know these things."

As a child, Ms. Justice never had the resources for her homework projects. So when Anna was assigned to build a Navajo hogan, they headed to Wal-Mart for supplies.

"We put in extra time, so she would appear like those kids with the involved parents," Ms. Justice said. "I know it's just a hogan, but making a project that looks like the other kids' projects is part of fitting in."

Ms. Justice encouraged Will to join the Boy Scouts, and when he was invited to join his school's Academic Team, which competes in quiz bowls, she insisted that he try it. When he asked her whether he might become a drug addict if he took the medicine prescribed for him, she told him it was an excellent question, and at the doctor's office prompted him to ask the doctor directly. She nudges both children to talk about what happens in school, to recount the plots of the books they read and to discuss current events.

It is this kind of guidance that distinguishes middle-class children from children of working-class and poor families, according to sociologists who have studied how social class affects child-rearing. While working-class parents usually teach their children, early on, to do what they are told without argument and to manage their own free time, middle-class parents tend to play an active role in shaping their children's activities, seeking out extracurricular activities to build their talents, and encouraging them to speak up and even to negotiate with authority figures.

Ms. Justice's efforts are making a difference. Will found that he enjoyed Academic Team. Anna now gets evening phone calls from several friends. Both have begun to have occasional sleepovers. And gradually, Ms. Justice is coming to terms with her own life. On New Year's Eve, after years in a modest rented townhouse, she and her husband moved into a new house that reminds her of the Brady Bunch home. It has four bedrooms and a swimming pool. In a few years, when her older cousin retires, Ms. Justice will most likely take over the practice, a solid prospect, though far less lucrative, and less glamorous, than a partnership at her Lexington law firm.

"I've worked very hard all my life—to have a life that's not so far from where I started out," she said. "It is different, but it's not the magical life I thought I'd get." □

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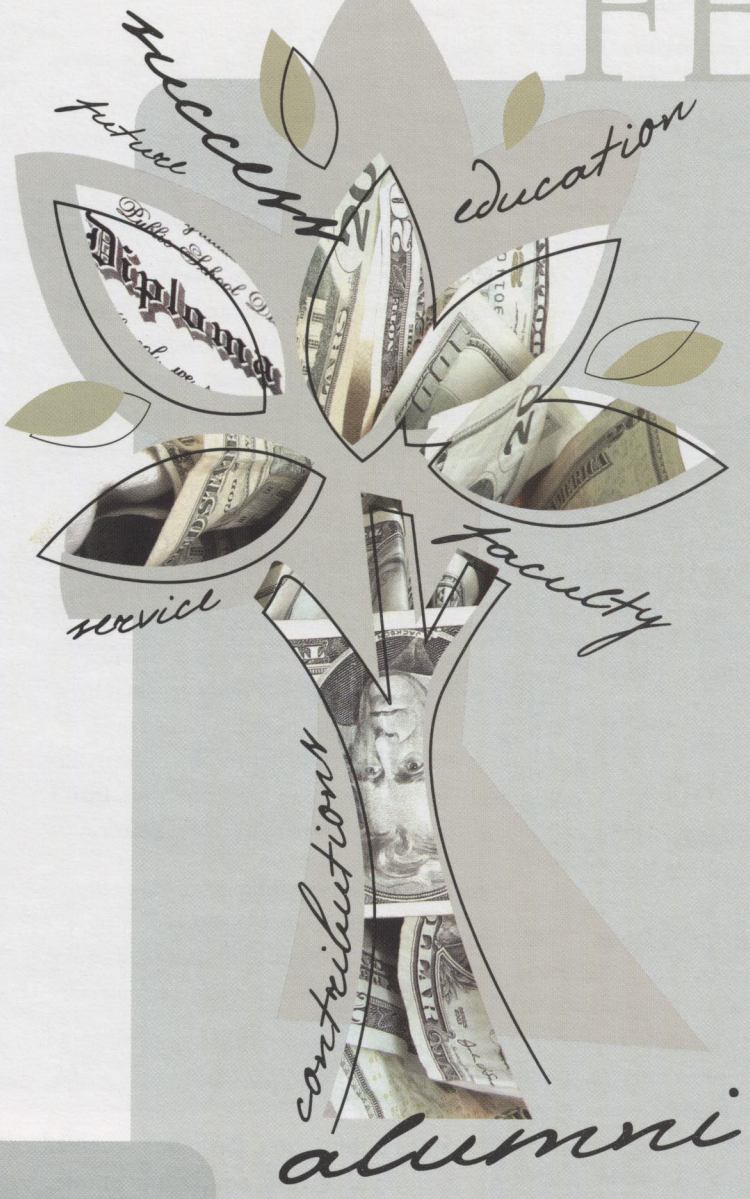
Since publication, Della has received a flood of letters, emails and phone calls from people across the country and around the world. People from countries like Cambodia, Australia and Canada have contacted her to relate how they too have experienced the stress and struggles that come with changing class.

When reflecting on the course of her life, Della is philosophic. "I feel truly blessed with what has happened. I love my life with my kids and my work—it's very joyful."

# FELLOWS




## ▶ FOUR NEW ENDOWMENTS

During the last several months, three new endowments have been created to provide fellowship funds for students at the College of Law. Along with the Research Challenge Trust Fund (RCTF) matches, these commitments total

**$1,011,800.**

These endowments are in addition to the $2,000,000 endowment for the Appalachian Fellowship Endowment.

"Students are the focal point of all of the College's activities and student fellowships allow us to continue to provide an affordable, high-quality legal education," says Dean Allan Vestal. "Many of our graduates received some type of financial support from the College and we need to ensure that the resources remain for the future."

"Fellowships also provide us with resources to help recruit the best and brightest students from the Commonwealth and around the nation," Dean Vestal adds.

## ▶ $1 MILLION DONATION SUPPORTS EASTERN KENTUCKY STUDENT SCHOLARSHIPS

An anonymous donation of $1 million to establish the Appalachian Fellowship Endowment will help insure that eastern Kentucky students will be able to pursue a legal education at the UK College of Law. On June 7, Dean Allan W. Vestal announced the new fund at a press conference in Pike County, Ky. The gift, which is being matched under the state's Research Challenge Trust Fund, sets up a $2 million endowment.

"The Appalachian Fellowship Endowment will provide resources for students who otherwise might not have the opportunity to attend law school," said Dean Vestal.

The endowment will generate upwards of $100,000 in scholarships a year. The program reserves a portion of the funds for students from Pike, Floyd and Letcher counties, a second portion for students from Martin, Johnson, Magoffin, Breathitt, Perry, Knot, Leslie and Harlan counties. A third allocation is for students from 20 other counties, with a final allocation for students from the rest of the Commonwealth.

# HIP donors

## ADD OVER $3 MILLION IN STUDENT AID

The first fellowship contribution received during the past year is from **WILLIAM AND MARIE CULL** of Frankfort, Ky. Their $100,000 commitment and the corresponding $100,000 RCTF match will fund the Bill and Marie Cull Fellowship. The Culls have been supporting students through annual gifts for scholarships for almost ten years.

"Bill and Marie are strong supporters of the College," said Vestal. "For them to convert their annual support to an endowment indicates a strong commitment to the long-term success of the College and our students."

Bill, Class of 1977, and Marie, Class of 1979, are both practicing attorneys in Frankfort and serve on the executive committee for the College's upcoming centennial campaign to support a new law school building, student scholarships and faculty endowments. Bill also serves on the College's Visiting Committee.

"We are happy to have the ability to make this contribution to offer bright Kentucky men and women an opportunity to attend the UK College of Law," Marie Cull said. "The UK College of Law provides an excellent education as well as the ability to meet people from all over Kentucky. Hopefully, the scholarship recipients will decide to stay in Kentucky and become influential in their chosen fields."

The second fellowship contribution honors a beloved law school community member, **PAUL C. VAN BOOVEN**, Class of 1976. Paul was an associate dean at the College from 1976 until 1989 and served a generation of students as a mentor, counselor and role model. After spending several years in the University's Office of Legal Affairs, Paul became the University's general counsel. In that role, Paul became a trusted friend and advisor to University presidents, chancellors, deans, department chairs and professors.

"Paul spent his time at the University helping people. He truly was a people person," said Vestal. "He enriched the lives of all who knew him and it seemed particularly fitting that a student fellowship should be established in his memory, to continue that tradition of helping others."

In the fall of 2004, College professors Biff Campbell, Bill Fortune and Bob Lawson undertook an effort to secure gifts in Paul's memory. Through their efforts over $340,000 in gifts and commitments have been secured from alumni, friends and family. These gifts, together with the $340,000 RCTF matching fund, will establish the Paul Van Booven Fellowship for the benefit of law students.

"Paul cared deeply for students. He was always the first to know if a student needed special attention or assistance, and would go out of his way to insure that students were cared for," said Lawson, Van Booven's former professor and colleague.

Over $64,000 in gifts and pledges from alumni, friends and family, with a $64,000 RCTF match, established the third fellowship endowment, this in memory of another law graduate, **WILLIAM B. "BAXTER" JENNINGS**, Class of 2001. Baxter practiced with Coy, Gilbert & Gilbert of Richmond, Ky. and the members of his firm took the lead in establishing the endowment in his memory. The firm's partners—James T. Gilbert, Jerry W. Gilbert and Mark A. Shepard—made the principal commitments, which were then augmented by contributions from Baxter's classmates, family and friends.

Baxter's classmates, Frankie C. Blevins of Lexington, Ky., Darren L. Embry of Lexington and Mark T. Hurst of Atlanta, Ga., led an effort to raise funds from the Class of 2001 and from others in the central Kentucky area.

"We were very lucky to know Baxter and even luckier to call him a friend," Embry said. "He loved UK and it is fitting that this endowment will assist students like Baxter."

While the focus of the coming capital campaign for the College will be the new law building, the campaign will include requests for new student fellowship endowments.

"While the new building will provide the physical cornerstone for the College's future, we are always mindful of the primary importance of the people who will call it home," says Dean Vestal. "Therefore, we will continue our efforts to increase the amount of resources we can provide our students so they can achieve their goal of earning a law degree from one of the nation's best public law schools." □

**If you would like to contribute a gift in support of any of our student fellowships or are interested in establishing a new endowment, please contact Tom Hoffman, Assistant Dean for Development at 859-257-6725.**

# COMBS & ASHLAND 2004-05 scholars

The Bert Combs Scholars and the Ashland Inc. Legal Scholars represent the intrastate diversity of the College.

**1 BENJAMIN LONG,** *Henderson County,* adds the Combs scholarship to the impressive list of academic credentials he brought with him from Transylvania University, including membership in both the Omicron Delta Kappa and Pi Sigma Alpha honor societies, and a full tuition scholarship. Ben had a diverse and challenging summer working with the Kentucky Resources Council, with Professor Sarah Welling as a research assistant and with Amnesty International in Los Angeles.

**2 KRISTIE ALFRED,** *Jefferson County,* spent her summer at the Louisville office of Wyatt, Tarrant and Combs. A recipient of the Ashland Scholarship, Kristie has a history of academic excellence from her time at Western Kentucky University and throughout her career at the College of Law.

**3 ERIN McKENZIE,** *Greenup County,* recently graduated from the UK College of Law leaving a legacy that includes the presidency of the Environmental Law Society and a publication in the *Journal of Natural Resources and Environmental Law*. Erin, a Combs Scholar, will begin her career as a law clerk for Judge Henry Wilhoit in Ashland, Ky.

**4 CHAD MEREDITH,** *Grayson County,* a graduate of Washington & Lee University, has a successful background as a legislative aid to Sen. Mitch McConnell in Washington, D.C., as well as contributing to the *Washington and Lee Political Review*. Chad is a Combs Scholar and worked for the firm of Wyatt, Tarrant & Combs in Louisville this past summer.

**5 BEN CARTER,** *Greenup County,* worked for the Department of Public Advocacy over the summer, continuing his long history of interest in public affairs. A Combs Scholar, Ben was staff assistant to Senator Mitch McConnell before entering law school.

**6 CHARLOTTE TULL,** *Jefferson County,* has spent significant time in service to her community working for Americorp, volunteering as a peer instructor for a Freshman Interest Group Seminar and performing community service work for sexual assault prevention and arthritis research. Charlotte, an Ashland Inc. Legal Scholar, spent her summer working for the U.S. Attorney's Office in Louisville, Ky.

**7 LAURA TZANETOS,** *Perry County,* received the Combs Scholarship in part due to recognition of her academic achievements while attending the Patterson School of Diplomacy and International Commerce. Laura worked at the Lexington office of Wyatt, Tarrant, and Combs.

**8 RACHAEL WOODS,** *Pike County,* a 2005 graduate and recipient of the Ashland scholarship, will start her legal career as an associate with the Pam May Law Firm in Pikeville, Ky.

**9 SARA VEENEMAN,** *Jefferson County,* returned to Wyatt, Tarrant and Combs in Louisville, Ky., as an associate after having clerked there her last summer in law school. She is active with the Special Olympics, the Make-A-Wish Foundation and Neighborhood Place. While in law school, Sara earned a position on the staff of the *Kentucky Law Journal*, and is a Combs Scholar.

COMMITMENT TO LIFELONG LEARNING

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Continuing Legal Education (UK/CLE) courses are taught by legal experts who provide in-depth review, analysis and discussion of various practice areas. Our program offerings include seminars that give legal professionals an extensive understanding of hot new legal trends as well as a set schedule of annual and biennial courses.

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## UPCOMING COURSES

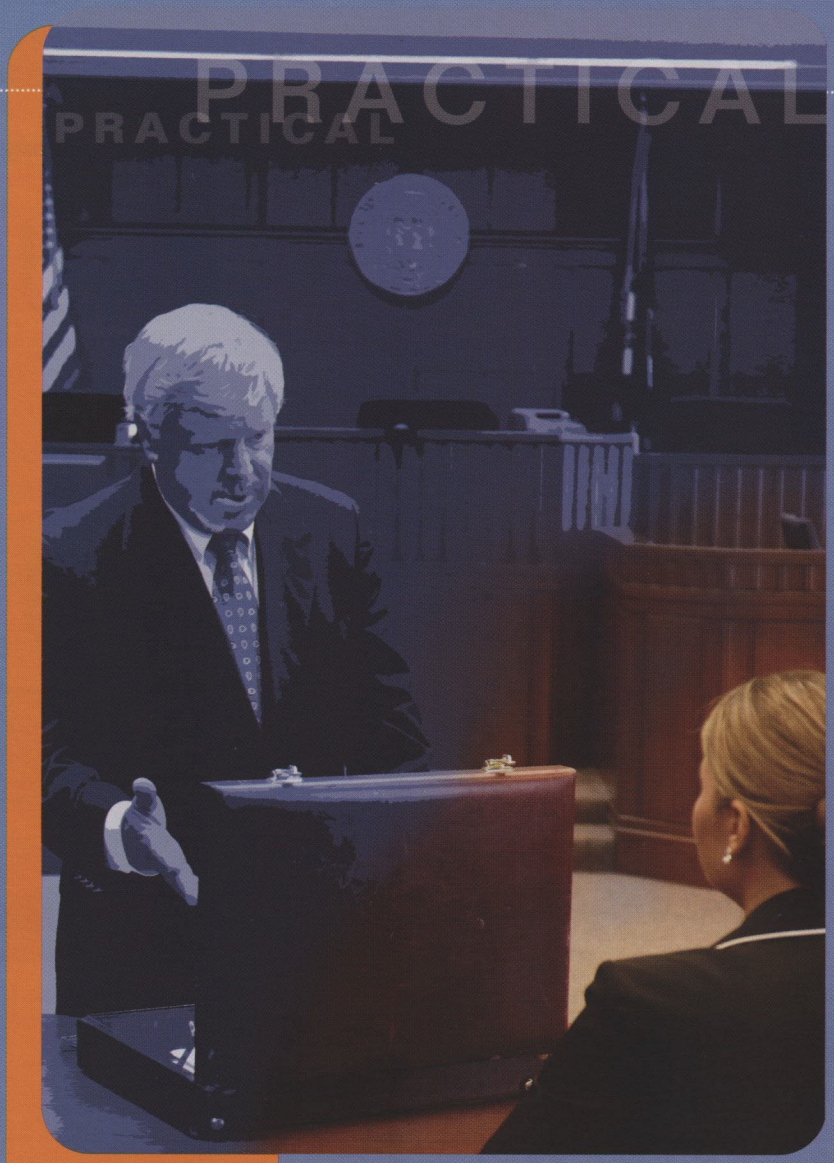
**September 30/2005**
**Practicing Under the New Bankruptcy Code: A Nuts & Bolts Workshop**
The Campbell House
Crowne Plaza Hotel
Lexington, Kentucky

**November 11/2005**
**15th Biennial Family Law Institute**
University of Kentucky
College of Law
Lexington, Kentucky

**February 3-4/2006**
**13th Biennial Securities Law Conference**
Hyatt Regency
Louisville, Kentucky

UK CLE

**UK/CLE** 260 Law Building University of Kentucky Lexington, KY 40506-0048 p: 859.257.2921 f: 859.323.9790 **www.uky.edu/Law/CLE**



# REALITY

COURTROOM

**In the early days of the legal profession young attorneys were apprenticed to seasoned lawyers and through a loose course of shadowing a mentor and self-study, commonly referred to as "reading the law," budding barristers learned the law through practical application.**

In the mid-1800s, there was an active campaign by newly founded liberal arts colleges to associate themselves with schools of law in order to ease the concern that liberal arts colleges did not train their students for a profession. Association with professional schools—medicine, law and business—helped improve the image of liberal arts colleges. Indeed, the UK College of Law was originally associated with liberal arts college Transylvania University, then Transylvania College, before finding its permanent home in 1908 at the then State University of Kentucky.

Simultaneously, the old apprenticeship method was becoming inadequate preparation for the legal profession. As attorneys became more specialized in areas of the law, and as the legal system developed, apprenticeships were becoming less and less useful in training the next generation of legal professionals.

# TEACHING

## Adjunct Instruction Melds Theory and Practice in the UK Law Curriculum

*By Rebekah Tilley*

American legal training has changed dramatically over the past 200 years.

Newly formed law schools struggled to balance teaching the theory of the law and the reality of legal practice. In 1916, W. T. Lafferty, the first dean of the UK College of Law, when outlining a proposal for what would become the modern Litigation Skills class, described the challenge by noting:

**"The American law school is now confronted by the problem of a more extensive treatment of the subject of procedural law. This has arisen from the fact that both the law school teacher and the practicing lawyer concede that there is a wide gap between the completed law school course and the work of the practicing lawyer, a gap that should be filled by the introduction of a line of practical work under competent instruction."**

Recognizing the importance of equipping students of the law with a solid foundation of theory and application, UK Law began employing practicing legal professionals to teach classes. Adjunct professors were a critical part of a student's legal education at the UK College of Law from the very beginning. As early as 1914 the faculty of the State University of Kentucky College of Law included two active Fayette County circuit court judges: Lyman Chalkley and Charles Kerr.

Today, UK College of Law adjuncts teach Litigation Skills, Legal Writing and a variety of highly specialized courses. Most adjuncts are UK Law alumni who once walked the same hallways as their students. All are highly successful, well-respected attorneys in their particular areas of practice. The time they give to teaching is one of the many ways they give back to the UK College of Law.

The College's adjuncts also have a diverse professional background. They include judges, trial attorneys, professional mediators, private practitioners, corporate attorneys and pro-bono advocates. These men and women bring a wealth of personal experience to the classroom that serves to ground legal theory in reality.

## Welcome to the Courtroom

The critical need for practical experience is perhaps most evident when it comes to equipping young attorneys with the tools of litigation: jury selection, taking depositions, the examination of witnesses, and opening and closing statements. In the Litigation Skills course adjuncts give students a unique perspective on the role of a litigator largely because they are so closely intertwined with the immediate reality of the courtroom, given that many try cases during the day and teach at night.

Over the years, the College has been favored with a host of the best litigators and trial practitioners in the Commonwealth to teach Litigation Skills. As adjuncts they are greatly diverse in background and expertise, but all share a gift of teaching, a love of students and a desire to give back to the UK College of Law.

Joe Savage, UK Law Class of 1964, started teaching at the College in 1966 at the suggestion of Professor John Batt shortly after completing an LL.M at Harvard Law. A warm and personable individual, Savage built a highly successful practice specializing in plaintiff personal injury cases and is a partner at Savage Elliott Houlihan Moore Mullins & Erdmann LLP in Lexington, Ky. In the classroom Savage prepares his students to think on their feet and to handle the unexpected.

"I've had so many interesting and funny things happen in trials, and I try to prepare the law students in the litigation skills seminar to basically be ready for anything," laughs Savage.

And Savage has had his fair share of the unexpected. When delivering the opening statement in one medical negligence case, Savage described the details of a particularly gruesome orthopedic surgery to the jury. He was so articulate in describing how the procedure went wrong that one juror on the front row collapsed into the second row of the jury. The defendant doctor then immediately jumped from his chair and rendered first aid to the unconscious juror.

Savage's anecdotes serve to ground students in the reality of the courtroom such as in this instance, where an attorney would need to immediately ask the judge in the negligence case for a new trial, as Savage did.

After devoting themselves to the study of legal theory for two years, many third-year law students struggle to make the transition

## UK Law Adjunct Instructors 2005-2006

**Robert Benvenuti, III**
Kentucky Cabinet of Health & Family Services
Legal Writing
Class of 1998

**Jonathan Buckley**
Attorney at Law
Real Estate Transactions
Class of 1975

**Marianna Clay**
Assistant U.S. Attorney, Eastern District
Litigation Skills
Class of 1978

**Judge Roger Crittenden**
Franklin Circuit Court
Legal Writing
Class of 1975

**Marilyn Daniel**
Maxwell Street Clinic
Immigration Law
Class of 1976

**Andrew DeSimone**
Sturgill Turner Barker & Moloney
Legal Writing
Class of 2000

**Robert Elliott**
Savage Elliott Houlihan Moore Mullins & Erdmann LLP
Litigation Skills
Class of 1974

**Jill Fraley**
Stoll Keenon & Park LLP
Legal Writing

**Bill Garmer**
Garmer & O'Brien, PLLC
Medical Malpractice and Litigation Skills
Class of 1975

**Jane Bloom Grisé**
Attorney at Law
Legal Writing

**Pierce Hamblin**
Landrum & Shouse
Litigation Skills
Class of 1977

**Ed Henry**
Henry Watz Gardner Sellars & Gardner, PSC
Prison Externship
Class of 1979

**Robert Houlihan**
Savage Elliott Houlihan Moore Mullins & Erdmann LLP
Litigation Skills
Class of 1974

from theory to practice. Litigation Skills forces students to transition from the study of law to the practice of law. Adjuncts provide critical coaching and insight to help students make that transition.

In the courtroom attorneys deal with more than just the interpretation and application of the law. They must also be well versed in the trends of what will persuade a jury. Peter Perlman, UK Class of 1962, is intimately acquainted with the inner workings of litigation as a highly successful litigator and the former president of the Association of Trial Lawyers of America. In fact, the Kentucky Academy of Trial Attorneys annually recognizes an outstanding trial lawyer each year with the "Peter Perlman Outstanding Trial Lawyer Award."

Sitting in his office that closely resembles a cozy living room, Perlman comments that today's juries have much higher evidentiary expectations since the popularity of criminal investigation television programs like CBS's *Crime Scene Investigation* (CSI). "They expect you to produce the smoking gun," he smiles.

A UK Law adjunct since 1978, Perlman found that law students' most difficult lesson was relearning how to use the language of everyday people when trying cases before a jury.

"At their first practice trial, students have a tendency to make liberal use of all the legal language they've learned during their first two years," explained Perlman. "That doesn't work with juries. Probably the most difficult aspect of the course is teaching them to lose the legalese."

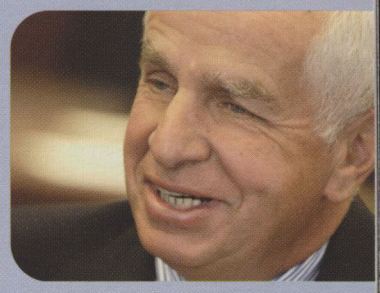
Many UK adjuncts were first inspired by adjuncts that taught them when they were law students. Adjunct Bill Garmer, UK Law Class of 1975, was drawn to the court room while in high school. Growing up before the Internet and iPods, Garmer and his high school buddies would often hang out at the county courthouse after school to watch trials for fun. As a law student, the trajectory of his professional practice was set after taking a course on trial advocacy with the late Henry Pennington, then a trial judge in Mercer and Boyle Counties. "Pennington taught a pre-trial procedures course and he was really enthusiastic," Garmer reminisced. "He spurred me on to be a trial lawyer."

Garmer went on to become a highly successful trial attorney, and was awarded the 1998 Kentucky Academy of Trial Attorneys Trial Lawyer of the Year Award. Garmer later became an adjunct himself while in private practice when Perlman asked if Garmer would assist him in teaching his Litigation Skills course. "I really enjoy it, it is an honor and a responsibility, but it's also fun. I enjoy the enthusiasm of the students and their questions," said Garmer. "I feel that I learn more than I teach."

A common feature of all UK Law adjuncts is their deep love for their students. Perhaps none more so than Landrum & Shouse attorney, Pierce Hamblin. When meeting Hamblin for the first time, one is immediately struck by his towering 6'7" figure, his flamboyancy and his humility. Stepping into his corner office, Hamblin, grinning broadly, introduces visitors to

SAVAGE

PERLMAN



GARMER

Ray Larson
Fayette County Commonwealth Attorney's Office
Prosecutorial Internship
Class of 1970

LaToi Mayo
Wyatt, Tarrant & Combs
Legal Writing
Class of 2001

John McGarvey
Morgan & Pottinger, PSC
Negotiations and Alternative Dispute
Class of 1973

Joseph R. Miller III
Frost Brown Todd, LLC
Legal Writing
Class of 2002

Stephen O'Brien
Garmer & O'Brien, PLLC
Litigation Skills
Class of 1974

Lee Rowland
Baldani Rowland & Richardson
Negotiations and Alternative Dispute Resolution
Class of 1980

Tom Rutledge
Ogden Newell & Welch PLLC
Advanced Business Organizations
Class of 1990

Joe Savage
Savage Elliott Houlihan Moore Mullins & Erdmann LLP
Litigation Skills
Class of 1964

Andrew Sparks
U.S. Attorney's Office
Legal Writing
Class of 2000

Janet Stumbo
Former Kentucky Supreme Court Justice
Appellate Advocacy
Class of 1980

Richard Warne
Wyatt, Tarrant & Combs
Intellectual Property
Class of 1994

Kevin Welch
Office of Legal Services Commonwealth of Kentucky
Legal Writing
Class of 1989

Trevor Wells
Fayette County Commonwealth Attorney's Office
Legal Writing
Class of 1997

"my three great heroes": cardboard figures of Elvis, John Wayne and Clint Eastwood. His walls are covered with the childhood artwork of his adolescent children to whom he is devoted.

This devotion also extends to his students. Hamblin insists that all his students call him "Pierce" and makes a point to treat them as professional equals. Yet he simultaneously adopts a warm, paternalistic attitude toward each one of his students that continues long after they leave UK Law. "Once they take my course they are always one of my kids," explained Hamblin. "I think it's my duty and I try to help them get jobs. They can always come to me over the years because they're always one of my kids."

The man who was once referred to by a colleague as "the king of Kentucky mediators" has taught Litigation Skills since 1980. The former student of adjunct Joe Savage, Hamblin team-taught his first course with Professor Bill Fortune and considers teaching to be the best part of his professional practice. "I love it. Going over there [to teach] is refreshing," said Hamblin. "It keeps me up on trial practice. I learn things every semester that I teach over there. It's the best part of my practice. Mediation—doing defense work—my favorite part of the practice is teaching at UK law school."

His sentiments are echoed by Savage. "I love working with law students. And I enjoy it so much that I would never want to give up the teaching aspect, if I thought I was still doing a good job. It helps my practice because law students are very bright and come up with many excellent ideas—some of which I've never heard of before," he laughs. "But the main thing is I really just love the law students. I would gladly do it for nothing."

Adjuncts also find teaching to be a way to both give back to the College and a way to continue the College's mission to produce highly qualified, legal professionals who go on to serve their communities.

"It's great to have the chance to share what you know, to make the profession a lot better and to help people. It's an opportunity you don't get very often," said Perlman. "The students always appreciate it and are very dedicated. It's amazing to me how committed young people are to the legal profession once they find out they have an opportunity to help people. The economic benefits of practicing law are very much secondary to the opportunity to make a difference."

Savage, Perlman, Garmer and Hamblin have all been adjunct instructors for more than 20 years and regularly encounter their former students in trials, in mediations, and even on the bench. Some of Hamblin's former students are a little uneasy when encountering their former professor for the first time in the professional world.

"Most of the time when they come here for mediations, and a lot of them do, they whisper to me beforehand 'Don't say anything about being my law school professor.' And I don't. They don't want to be embarrassed. So I never say a word," Hamblin said grinning.

## The Language of Lawyers

While budding attorneys are not introduced to the courtroom until their third year, first year students encounter one of the most fundamental aspects of legal practice right away: legal writing.

Each 1L class is split in to 12 small groups and undergo a rigorous training in how to write with precision, clarity and rationality. Professor Allison Connelly heads the writing program at the College and employees a diverse group of writing adjuncts that represent a wide array of the legal profession—including large firms, corporate legal offices, public defenders and U.S. attorneys.

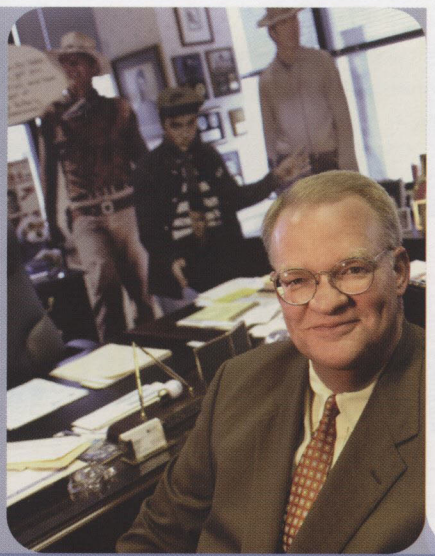
Franklin County Circuit Judge Roger Crittenden has been an adjunct writing instructor at the College since 1980. Crittenden was legal counsel for the Kentucky Counsel of Higher Education when he first began teaching, and he continued to teach even as his public and professional responsibilities grew.

"Teaching keeps me connected with the College and I enjoy the students," said Crittenden.

A courtly man with a honeyed Southern accent, Crittenden reads hundreds of legal briefs in the course of fulfilling his judicial duties, and understands more than most the importance of teaching legal professionals to communicate effectively.

"Legal writing is the major way in which argument is communicated to the court," points out Crittenden. "There is a strong movement in the legal community now to make legal writing more understandable and less complex. Legal precedent is clearer when it's not hidden behind muddled legal language so we attempt

**"Once they take my course, they are always one of my kids."**



HAMBLIN

CRITTENDEN

"Teaching keeps me connected with the College and I enjoy the students."

to equip students with writing that emphasizes clarity and precision."

The long-time judge took Professor Bill Fortune's legal writing class while a law student at UK. He regularly selects the best writers out of his and other adjuncts legal writing classes to work as his law clerks that allows these students to make an immediate impact on the Kentucky legal community.

## Specialists in their Field

Some UK Law adjuncts are highly specialized experts in very narrow fields of the law. The College has one of the Commonwealth's most experienced family-based immigration law practitioners: Marilyn Daniel, director of the Maxwell Street Clinic in Lexington, Ky.

The Maxwell Street Clinic provides legal assistance to low-income, non-citizens who did not qualify for legal aid from existing Legal Service Corporation agencies. Federal law bars such agencies from helping non-citizen clients who have not initiated the process to become a legal permanent resident.

Daniel's desk is piled high with case files and small mementos of gratitude from her clientele. Birth announcements, cards and handmade gifts share space with thick volumes of immigration legal code. "I have never felt more appreciated by my clients in my life—even when I am unable to help them," said Daniel.

A 1976 graduate of the College, Daniel was the first woman to serve as Assistant U.S. Attorney in the US District Court in eastern Kentucky. After retiring as General Counsel and Senior Vice President of Mason & Hanger Corporation in 1999, she was approached by the Maxwell Street Presbyterian Church to head up a new legal clinic organized by a Roman Catholic priest and a Presbyterian seminarian who had identified a great need for legal services in the growing Hispanic community in central Kentucky.

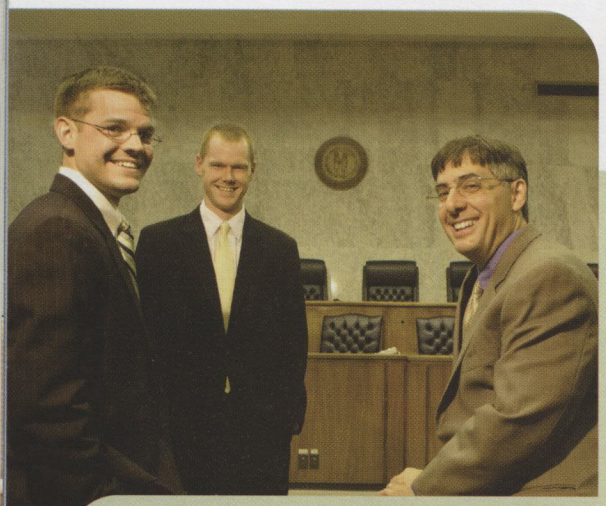
Students in her class are often challenged because they encounter legal questions unique to immigration law, such as how to define citizenship. In addition to its complexity, immigration law is also challenging because there is so little legal precedent. "You have to figure how the law applies in a particular situation because the application of the law is so fact specific," said Daniel. "Change one tiny detail and it changes the whole tenor of the case."

As an adjunct, Daniel brings more to the classroom than her highly specialized knowledge of the law. She is also able to acquaint her students with the deeply human issues involved in immigration law. While she was quite successful in her earlier position, Daniel identifies her work with the Maxwell Street Clinic as the most fulfilling work of her career.

"You get a different feeling when you realize you are helping people directly with issues that mean so much to their very way of life," Daniel explained.

DANIEL

The College's current roster of adjuncts is even now bringing the reality of legal practice into the 14 classes they are teaching this fall. Each adjunct makes a significant positive impact on the quality of instruction offered at the College. Their gift of teaching helps bridge the gap between the theory and practice of the law. It ensures that each succeeding class of students is prepared to positively impact their communities, to be highly successful practitioners and to consider the legal profession more than just a job, but a calling. □



*Left to right:*
**Tom Goodwin**
**Caleb Thomas**
**Professor Paul Salamanca**

# national DISTINCTION

*By Rebekah Tilley*

## MOOT COURT TEAM PLACES SECOND AT PRESTIGIOUS FIRST AMENDMENT COMPETITION.

The hushed courtroom was filled with electric energy as second-year University of Kentucky law student Caleb Thomas opened the final round of the 15th annual National First Amendment Moot Court Competition at Vanderbilt University for UK.

"The First Amendment is the hallmark of our democratic system," began Thomas.

What followed was an intense hour of fast-paced verbal sparring between the UK team of Thomas and Tom Goodwin, their opponents from Cardozo School of Law, and an intimidating panel of six distinguished jurists.

While they were narrowly edged out for the victory, with their second-place finish the team of Goodwin and Thomas advanced further in the Vanderbilt tournament than any of their UK predecessors, leaving 34 other teams, including the University of Virginia and Harvard, in their wake.

Their journey to the top was a grueling exercise in mental preparedness and pure nerve.

The August before the February competition, Tom Goodwin and Caleb Thomas were strangers sitting next to each other in Intellectual Property class. Both unknowingly shared a desire to prepare for a career that would see a good deal of courtroom action, and submitted applications to be on one of the UK Law intercollegiate moot court teams.

"After my first taste of oral arguments in my legal writing class, I realized that my true love for the law is to litigate and be an advocate for clients in the courtroom," said Goodwin, a native of Bowling Green, Ky.

The moot court team sent to the competition is selected by Professor Paul Salamanca, the moot court faculty advisor, and the previous year's team. Rachel Morrison and Christina Pryor, Class of 2005 and members of the 2004 Vanderbilt moot court team, with Professor Salamanca, selected Goodwin and Thomas to represent the UK College of Law at the 2005 Vanderbilt competition.

Preparation started right away.

All moot court teams prepare their competition briefs without outside assistance and submit them for competition. Before they faced a panel of jurists in the final round, Goodwin and Thomas faced Salamanca, Morrison and Pryor in numerous practice rounds held twice a week leading up to the February tournament.

According to Thomas, their coaching was a critical part of their success. "If you had heard our first argument at practice and also heard our last argument in the final round at Vandy, you could easily tell how much we benefited from their coaching," smiled the Cadiz, Ky. native.

Law students find moot court challenging largely because they are forced to think quickly, abstractly and retain a large body of information in memory. When Goodwin began speaking in the final round of the Vanderbilt competition, he opened with a preamble he had memorized after hours of practice rounds, and glanced down at his notes at only one point during his argument.

While not all attorneys go on to make appellate advocacy a large part of their practice, moot court is able to prepare them for other situations that are appellate-like in character. "Frankly, even for lawyers that never take an appeal, motion hour…has an appellate flavor because it's usually about pure law," explained Salamanca.

Goodwin and Thomas found the competition both an awe-inspiring and confidence building exercise that has given them a solid foundation for their future legal careers.

This fall, along with Professor Salamanca, Thomas and Goodwin will select and train two rising second-year students who will hopefully stand before a similar panel in the final round—and go all the way. □

# faculty notes

*For up-to-date information about our faculty and their recent publication work, check the faculty section of our website at www.uky.edu/Law.*

**RICHARD AUSNESS,** Ashland Oil Professor of Law, has three recent publications: "'After You, My Dear Alphonse!': Should the Courts Defer to the FDA's New Interpretation of Section 360k(a) of the Medical Device Amendments?"currently in press with *Tulane Law Review*. Earlier this year, he published "Tell Me What You Eat and I Will Tell Whom to Sue: Big Trouble Ahead for 'Big Food?'" in the *Georgia Law Review*. Last year, Ausness contributed a article titled "Public Tort Litigation: Public Benefit or Public Nuisance?" in the *Temple Law Review*.

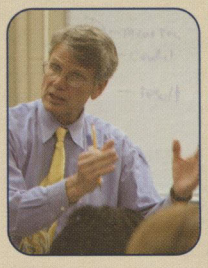
Currently, Ausness is working on a piece about the preemption of tort claims by the OSH Act's Hazard Communication Standard.

**RUTHERFORD B CAMPBELL,** Law Alumni Professor of Law, was a visiting professor at the University of Maine School of Law for the summer term of 2005. He has recently published two articles "Corporate Fiduciary Duties in Kentucky", forthcoming in the *Kentucky Law Journal*; and "Regulation A: Small Businesses' Search for 'a moderate capital,"' forthcoming in the *Delaware Journal of Corporate Law*.

Campbell is currently working on an article with Professor Frost dealing with fiduciary duties in insolvent companies.

**JONATHAN CARDI,** Assistant Professor of Law, was interviewed recently by Jennifer Nime from NBC News regarding potential invasion of privacy liability for the use of camera phones. He has also published two articles: "Purging Foreseeability" in *Vanderbilt Law Review* and "Reconstructing Foreseeability" in *Boston College Law Review*.

Currently, Cardi is writing an article regarding the reorganization of administration of music copyright.



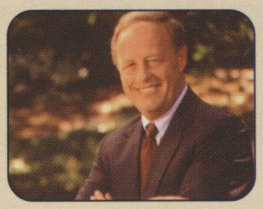
**WILLIAM H. FORTUNE,** Robert G. Lawson Professor of Law, was asked by the Kentucky Supreme Court to examine the issue of what judges should be allowed to say in the context of a judicial campaign. In May 2005, Fortune was a panelist on this topic at the annual Kentucky Bar Association Convention in Louisville, Ky. With Profession Lawson, Fortune also recently made a presentation to the Women Lawyers' Association of the Fayette County Bar Association on "Civil Discovery, Electronically Stored Data and the Attorney-Client and Work-Product Privileges."

Currently, Fortune is working on the sixth edition of *Psychology and the Legal System*, due out in 2006. He is also in the midst of a long-term project on the history of the Federal court in the Eastern district of Kentucky.

**CHRISTOPHER W. FROST,** Frost Brown Todd Professor of Law, was recently interviewed for a widely distributed Associated Press article on bankruptcy and pensions. In February 2004, he presented a talk titled "The Automatic Stay and the Discharge Injunction" at the ABI Regional Conference for State Court Judges. In March 2005, he made a presentation on valuation and other financial concepts to the United States Department of Commerce, Market Access and Compliance Division. Most recently, he presented a paper titled "Ethical Issues and Fee Applications" at the 12th Biennial Judge Joe Lee Bankruptcy Institute in May 2005.

Frost is also serving as chair of the AALS Section on Creditors' and Debtors' Rights 2004. He is also on the Editorial Advisory Board of the *American Bankruptcy Institute Law Review*.

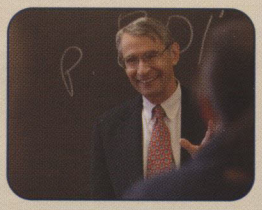
Currently, Frost is working on an article on Fiduciary Duties in Insolvent Companies with Professor Campbell.



**EUGENE R. GAETKE,** H. Wendall Cherry Professor of Law, was among six University of Kentucky professors honored at the University of Kentucky Alumni Association 2005 Great Teacher Awards Reception and Dinner in February. The Great Teacher Awards began in 1961 and is the oldest, continuous award for teaching. The nominations are made by students.

In Spring 2005, Gaetke was asked by the Provost to chair the University's External Review Committee for the College of Arts & Sciences, the largest college at UK.

Gaetke recently completed an article manuscript entitled "Expecting Too Much and Too Little of Lawyers," which is currently being circulated among journals for consideration. Additionally, he is developing an article discussing lessons in legal ethics that can be learned from the life of Abraham Lincoln.



**ALVIN L. GOLDMAN,** William T. Lafferty Professor of Law, is preparing a paper for journal publication on the appropriate standard for judicial review of grievance arbitration awards in the airline industry. Together with circulation librarian Amy Osborne, he is also preparing a conference paper on future problems and trends in comparative labor law research.

On behalf of the U.S. Branch of the International Society for Labor and Social Security Law, Alvin Goldman organized a conference on Comparative Labor and Employment Law held in Chicago in May, 2005. He also chaired one of the conference sessions.

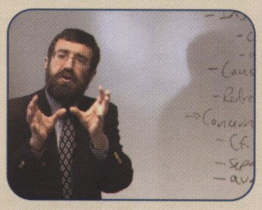
**ROBERTA M. HARDING,** Willbert D. Ham Professor of Law, worked at the Fayette County Legal Aid assisting with death penalty trials while on sabbatical this spring.

Harding authored a book chapter titled "Pennoyer v. Neff: A One Act Play" in *Teaching the Law School Curriculum* (Carolina Academic Press 2004). She also published an article entitled, "Reel Violence: Popular Culture and Concerns about Capital Punishment in Contemporary American Society" in *Law and Popular Culture* (Oxford University 2005).

To commemorate the 50 year anniversary of the historic Brown v. Board of Education decision, Harding presented a paper titled "Looking Back: The Legacy of Thurgood Marshall and Brown v. Board at 50," and the Annual Kentucky Bar Association Convention in June 2004. She also was a panelist at the UK College of Law's Law Day Presentation memorializing the Supreme Court decision.

As the faculty advisor of the College of Law's Innocence Project Externship, Harding was interviewed by *Snitch* about false confessions regarding whether people truly do falsely confess, why it happens, and steps that can be taken to minimize it occurring.

Currently, Harding has completed a draft of an article titled "The Gallows Touch: Gallows Superstitions and Health Care in England During the Eighteenth and Nineteenth Centuries." The article examines how one unusual consequence of capital punishment during these time periods was that it ironically provided a type of public health care. She is also working on an article about female executioners. Given the rarity of female executioners, Harding will attempt to determine the different circumstances that led to women entering this male dominated profession. Finally, she is authoring two entries on "Race and Capital Punishment" and "Methods of Execution" for the *The Encyclopedia of American Civil Liberties*.



**MICHAEL P. HEALY,** Associate Dean for Academic Affairs and Dorothy Salmon Professor of Law, was a Fulbright Lecturer at Xiamen University's Law School in Xiamen, Fujian, China, during the Spring 2004 semester where he taught Environmental and Administrative Law to Chinese graduate students. He also presented lectures on environmental law at several Universities in China, Hong Kong, Macau, and Myanmar (Burma).

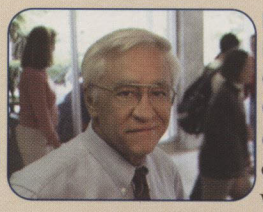
Healy published an article entitled, "Law, Policy, and the Clean Water Act: The Courts, the Bush Administration and the Statute's Uncertain Reach," in a symposium on The Clean Water Act at Thirty: Progress, Problems, and Potential, presented in the *Alabama Law Review*.

Also his article, "Information-Based Regulation and International Trade in Genetically-Modified Agricultural Products: An Evaluation of The Cartagena Protocol on Biosafety," in the *Washington University Journal of Law & Politics* was selected as one of the 35 best land use and environmental law articles of 2004 by reviewers for the *Land Use & Environment Law Review*.

Currently, Healy is working on a publication discussing the principle of sustainable development and U.S. environmental law and policy, based on some of the lectures he delivered in Asia.

**MARK F. KIGHTLINGER,** Assistant Professor of Law, is working on an article comparing the EU and U.S. legal regimes for Internet privacy. He is focusing on the differing roles of administrators or regulatory officials in the two regimes and on concerns related to what might be called the "bureaucratization of privacy."

In addition to carrying forward his research agenda, this project dovetails with his teaching, which includes a course on Administrative Law and will include a course on E-Commerce and Internet Law.



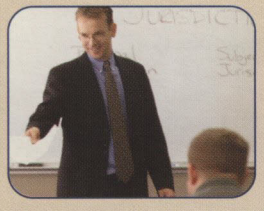
**ROBERT G. LAWSON,** Charles S. Cassis Professor of Law, recently completed work on a law review article highlighting problems in the Commonwealth's corrections system entitled "Difficult Times in Kentucky Corrections—Aftershocks of a 'Tough on Crime' Philosophy" published in the *Kentucky Law Journal*. The article has attracted substantial attention in the media, including a front-page story in the Louisville *Courier-Journal* about its contents and conclusions, a story distributed to various newspapers throughout the state by the Associated Press, and additional reactions to the article in various publications in Kentucky and beyond. It was also the subject of a brief commentary on the FOX News Network. It has attracted attention from various state officials in the executive, judicial, and legislative branches of state government and has served as motivation for the creation of a Blue Ribbon Sentencing Commission, which is co-chaired by the Chief Justice of the Supreme Court and the Lieutenant Governor, to consider some needed law reform in the criminal

law area. Lawson was made a member of this Commission. The Kentucky Bar Association republished this article for inclusion in its materials for the summer bar convention and used it as part of the materials for a panel discussion of problems existing in the criminal law system.

In addition, Lawson completed a supplement to his book on Kentucky evidence law, *The Kentucky Evidence Law Handbook*, that will be published in Fall 2005.

In recognition of his professional success and community leadership, Lawson was inducted into the UK Alumni Association Hall of Distinguished Alumni in May 2005. The award was established in 1965 in celebration of the University's centennial year. Every five years, the association recognizes a select group of outstanding alumni and honors them with induction into the prestigious Hall of Distinguished Alumni.

At the present time Lawson is working on a project involving problems in the state's jail system, which suffers seriously from having too many inmates and too little money for operations. This work focuses on policies and practices that have effectively converted local jails into state prisons. He expects to complete this study within a few months.



**DAVID H. MOORE,** Assistant Professor of Law, published "Agency Costs in International Human Rights" in the *Columbia Journal of Transnational Law*. He is working on an article currently entitled "An Emerging Coherence," that relies on the Supreme Court's recent *Sosa v. Alvarez-Machain* decision to identify an emerging uniformity in the treatment of customary international law and treaties in Federal courts.

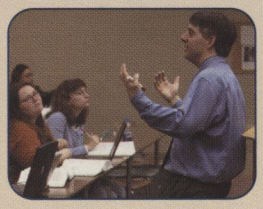
**KATHRYN MOORE,** Everett H. Metcalf, Jr. Professor of Law, is publishing two articles on social security this year. The first, forthcoming in the *NYU Review of Employee Benefits and Executive Compensation*, is titled "President Bush's Personal Retirement Accounts: Saving or Dismantling Social Security." The second in an entry in *The Encyclopedia of Human Development* (Sage Publications).

Moore also published "Reforming Retirement Systems: Why the French Have Succeeded When Americans Have Not" in the *Arizona Journal of International and Comparative Law*; and recently completed a supplement to *Law of Employee Pension and Welfare Benefits*.

The French Conseil d'orientation des retraites recently asked Moore to serve as a national correspondent for the United States in a study comparing survivors' pensions in seven different countries. As a national correspondent, she will write a report on survivors' pensions in the United States.

**LORI RINGHAND,** Assistant Professor of Law, recently published two articles: "Defining Democracy: The Supreme Court's Campaign Finance Dilemma" in *Hastings Law Journal* and "Fig Leaves, Fairy Tales and Constitutional Foundations: Debating Judicial Review in England" in the *Columbia Journal of Transnational Law*.

She is currently conducting an empirical analysis of how each of the currently sitting Supreme Court justices use their power of judicial review. In July, she presented her initial findings at the University of Tennessee, and has been interviewed by a number of local NPR and talk radio stations to discuss her research.

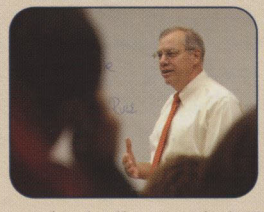


**PAUL E. SALAMANCA,** James & Mary Lassiter Associate Professor of Law, has a Law review article entitled "Video Games as a Protected Form of Expression," forthcoming in the *Georgia Law Review*.

As the faculty advisor to the Moot Court program, with 3L student coaches Rachel Morrison and Christy Pryor, Salamanca coached the 2005 Vanderbilt First Amendment Moot Court Competition team of Thomas Goodwin and Caleb Thomas to the final round of that competition. *Read the full story on page 18.*

Regularly found on reporters' short list of interviewees, Salamanca has participated in a number of media interviews including a June 3, 2005 television interview on the FOX News program "Dayside" with Linda Vester, on the subject of the establishment of religion and whether a judge can accept a promise to attend church 10 times in lieu of incarceration. He was also interviewed by *People* magazine on this subject.

Salamanca was a panelist, on July 19, 2005, on the WFPL program "State of Affairs", Louisville's NPR station. The program examined how both Federal and state courts handled the evolution issue since the end of the Scopes trial.

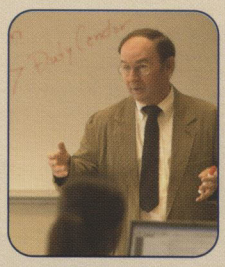


**ROBERT G. SCHWEMM,** Ashland Professor of Law, co-authored a law review with Michael Allen entitled "For the Rest of Their Lives: Seniors and the Fair Housing Act" published in the *Iowa Law Review* (2004). He also published the 2004 and 2005 annual supplements for his book *Housing Discrimination: Law and Litigation* (ThomsonWest).

**REBECCA S. TRAMMELL,** Director of the Alvin E. Evans Law Library and Assistant Professor of Law, was invited to author the third edition of *Werner's Manual for Prison Law Libraries*, which was published by Hein & Co. In conjunction with the legal research and writing programs at the University of Louisville College of Law and Northern Kentucky University College of Law, Trammell contributed an article to the March 2005 issue of the *Kentucky Bench & Bar* titled: "Technology and Legal Writing - They DO Work Together - Effective Legal Writing A Series." Trammell has also completed two Computer Assisted Legal Instruction (CALI) lessons which are available nationally through CALI. These lessons are: CALI Exercise Updating Federal and State Statutes (March 2005) and CALI Exercise Updating & Validating Case Law (February 2004).

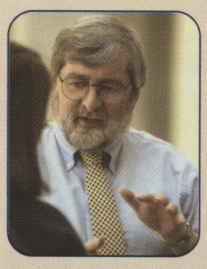
Trammell has been an invited panelist for a number of recent Kentucky Educational Television (KET) programs including: "Kentucky Tonight" with Bill Goodman, during which Trammell discussed the USA Patriot Act. She also participated in a Homeland Security discussion on the same program in June 2004.

Currently, Trammell is working on a comprehensive bibliography for the American Association of Law Libraries Government Documents Special Interest Section that she plans to complete by October 2005. She is also working on an article entitled "Litigation and the American Association of Law Libraries' Recommended Collections for Prison Law Libraries: How the Courts have Dealt with AALL Prison Law Library Guidelines" that is under consideration for the Spring 2006 publication in *Law Library Journal*.



**RICHARD H. UNDERWOOD,** Spears-Gilbert Professor of Law, has an article coming out in *Southern University Law Review* titled "The Other Batson Case." He also has an article circulating for publication titled "Mr. Howe's Last Case" about a turn of the century murder in New York City.

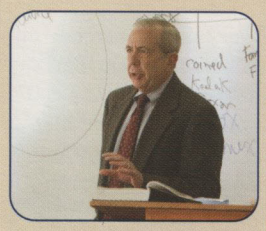
On October 28, 2005, Underwood will be giving a presentation on the attorney-client privilege to Kentucky Defense Counsel.



**ALLAN W. VESTAL,** Dean and Professor of Law, recently completed a new edition of his book with Robert W. Hillman and Donald J. Weidner titled *The Revised Uniform Partnership Act* (ThomsonWest). His article with J. William Callison, "The Want of a Theory, Again," was published in 2004 in conjunction with the *Suffolk University Law Review*'s symposium on the New Limited Partnership Act.

Latter this year, the *Kentucky Law Journal* will publish Vestal's article with Thomas Rutledge titled "Making the Obvious Choice Malpractice: The Lawyer Liability Time Bomb in Kentucky's LLP Tax Modernization of 2005." Forthcoming in 2006, Vestal's article "'A River to My People…' Notes from my Fifth Year as Dean" will be included in *Toledo Law Review* symposium issue on Leadership in Legal Education.

Vestal is currently working on a law review titled "Disappointing Diogenes: The LLC Debate That Never Was" with Thomas Rutledge.



**HAROLD R. WEINBERG,** Wyatt Tarrant & Combs Professor of Law, received a 2005 Black Law Student's Association Teacher Impact Award for encouraging, inspiring, motivating and challenging his students. Weinberg was quoted in a January 2005 *Cincinnati Enquirer* piece concerning an antitrust case alleging restraint of trade between a manufacture and a retailer, and in a May 2005 article concerning antitrust case alleging restraint of trade between realtors.

Weinberg recently published an article titled "Is the Monopoly Theory of Trademarks Robust or a Bust?" published in the *Journal of Intellectual Property Law* (2005).

**SARAH N. WELLING,** Wendell H. Ford Professor of Law, is on contract to write the annual supplements to *Federal Practice & Procedure, Vols. 3 and 3A*, covering Federal Rules of Criminal Procedure 31 through 42. She also is the reporter of the 2005 edition of *Sixth Circuit Pattern Criminal Jury Instructions* (ThomsonWest). □

# new face

## faculty at the College of Law

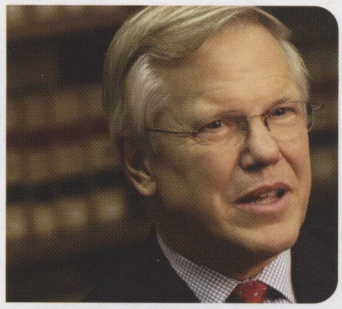
**MARK F. KIGHTLINGER,** Assistant Professor of Law, joined the College of Law faculty in 2004. Previously, Professor Kightlinger was a partner resident in the Covington & Burling law firm's Washington, DC office. He was active in the firm's food law practice, with a particular focus on the impact of new Federal bioterrorism legislation. From 1996 through 2001, he was based in the firm's Brussels office, where he developed a legislative and regulatory practice advising leading technology companies on European Union laws and policies affecting the Internet, electronic commerce, online advertising, and data privacy. He also worked on a range of international trade issues, with a primary focus on the WTO's approach to information technology and the Internet. In addition, he has assisted Immigration Equality (formerly known as the Lesbian and Gay Immigration Rights Task Force) on a pro-bono basis in their efforts to improve the treatment of bi-national same-sex couples under the U.S. Immigration and Nationality Act. Professor Kightlinger's scholarship focuses on Internet law and privacy issues.

Professor Kightlinger received a B.A., *summa cum laude*, from Williams College in 1981. He received a B.A. from Cambridge University in 1983, and an M.A. in 1995. He received his J.D. from Yale Law School in 1988, and earned a Ph.D. in Philosophy from Yale University in 1991. □

# class notes

## FROM THE PRESIDENT

Dear Alumni,

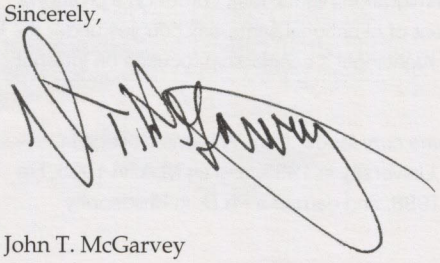


Your Alumni Association is the entity that brings the past and present together at the College of Law. The graduates of our College form one of the strongest networks in Kentucky. That network helps us all as practicing attorneys and assures continuing support for the College in its rise in the national rankings.

Our dues and donations have assisted the College in transitioning to the digital age where yellow pads and blue books have given way to laptop computers connected through a building-wide wireless network and state of the art computer and video teaching aids. The scholarship programs you support are critical at a time when state funding has not kept pace with tuition costs. These scholarships enable the College to continue to attract the brightest young Kentuckians as our future colleagues.

The UK Law Alumni Association has played a key role in advancing our new building to near the top of UK's capital projects list. The new building will be your home on campus and the signature entrance to the University. Your continuing support through membership and annual giving is what keeps us together and insures the future of the College of which we are all proud to be graduates.

Sincerely,



John T. McGarvey
UK Law Alumni Association President

## ALUMNI BOARD OF DIRECTORS

John T. McGarvey, President
Ruth H. Baxter
A. Stuart Bennett
Charles H. Cassis
Braxton Crenshaw
Joanne K. Duncan
W. Patrick Hauser
Marshall R. Hixson
Elizabeth S. Hughes
Lawrence L. Jones, II
W. Douglas Kemper
Thomas N. Kerrick
Charles J. Lavelle
Daniel P. Murphy, Jr.
Mary C. Noble
Tanya G. Pullin

## RECENT DEVELOPMENTS

### 1958

**LESLIE W. MORRIS,** senior counsel at Stoll, Keenon & Park, received the Henry T. Duncan Memorial Award at the Fayette County Bar Association Law Day in May 2005. The award is given to an outstanding attorney with a long history of service to their community.

### 1959

**RICHARD L. FRYMIRE, JR.** was named KBA Lawyer of the Year. He is a partner in the firm Frymire, Evans, Peyton, Teague & Cartwright in Madisonville, Ky. Early in his career, Frymire had an active political career serving as a state representative from 1962-1966, followed by a four year term as state senator during which time he was Majority Floor Leader for two years. He has a distinguished military record including service as Adjutant General of Kentucky from 1971-1977, during which time he led the Kentucky National Guard and Division of Emergency Management through an unprecedented period of growth. His commitment to educational and civic goals was demonstrated in his chairing the Board of Regents at Murray State University in the early 1980s, his service as president of the Kentucky Historical Society from 1992-1993, and later service as president of the Kentucky Historical Society Foundation from 2001-present. An active legal professional, Frymire served as governor of the Kentucky Bar Association from 1986-1992, and was chair of the KBA Committee on Lawyer Professionalism from 1987-1990. Frymire was elected Hopkins County judge-executive in 1998. He presently serves on an interim General Assembly Local Government Finance Committee to study issues related to local government finance. He and his wife Phyllis live in Madisonville. They have 6 children and 12 grandchildren.

**REPRESENTATIVE GROSS LINDSAY** was honored with the 2005 Chief Justice's Special Service Award. Lindsay is a partner in the law firm of Trimble, Lindsay & Shea in Henderson, Ky. He is also a longtime member of the House Economic Development Committee and the House Elections, Constitutional Amendments and Intergovernmental Affairs Committee, as well as an ex-officio member of the Budget Review Subcommittee on Justice and Judiciary.

## 1960

**JOHN T. BONDURANT** was recently selected for inclusion in *The Best Lawyers in America*. A member of Frost Brown Todd LLC, he participates extensively in the firm's estate planning and estate administration practice, including estate and trust related litigation.

CLASS OF '60 REUNION
OCTOBER 14-15

## 1963

**MARSHALL P. ELDRED** was recently included in the 11th edition of *The Best Lawyers in America*. Eldred is one of the founding partners of Frost Brown Todd LLC. His practice involves representing developers and lenders for industrial, commercial/retail, multi-family residential and other real estate projects. His practice ranges from organization of the developing entity, negotiation, acquisition and purchase of land, zoning and other regulatory matters, financing, construction and lease or sale of the finished project.

**W.R. PATTERSON, JR.** was recently included into *The Best Lawyers in America*. At Greenebaum Doll & McDonald, Patterson focuses on general civil litigation practice with an emphasis in medical and legal negligence, insurance, products liability, general negligence, personal injury, wrongful death and mediation in their Louisville office.

## 1965

**KENTUCKY SUPREME COURT JUSTICE JAMES E. KELLER** stepped down from the bench May 31, 2005. Before his appointment to the Supreme Court, Keller was a circuit judge in Fayette County for more than 22 years. Keller is a 2005 UK College of Law Alumni Hall of Fame recipient. *See his profile on page 28.*

## 1966

**C. McCHORD CARRICO, JR.** was recently recognized at the first Leadership In Law event presented by New Orleans *CityBusiness*, the business newspaper of New Orleans. He is a transactional lawyer who practices in corporate, regulatory, environmental and governmental fields for Abbott Simses & Kuchler in their Covington, La. office. Carrico and his wife, Betty, reside in St. Tammany Parish, La. They have two sons and two young grandchildren.

## 1967

**ROBERT E. SPURLIN** has received a Federal appointment as an administrative law judge for the Social Security Administration in the Fort Lauderdale Office of Hearings and Appeals. He recently completed a four year appointment as commissioner of the Kentucky Public Service Commission. He is a College of Law Fellow and a Lafferty Society member.

## 1968

**DENNIS E. BRICKING** retired as executive director of the Louisville-area Legal Aid Society after serving with the non-profit organization for 36 years, including 29 years as executive director. After his December 31, 2004 retirement, Bricking served as Legal Aid Legislative Director during the 2005 Kentucky General Assembly.

**GLENDA JO "JODY" CURRY,** a LaGrange attorney, narrowly lost her bid for the 59th District state House seat in a special election running against Republican David Osborne. Curry worked as general counsel for the Kentucky National Resources and Environmental Protection Cabinet and as a Legal Aid attorney before entering private practice in 1998.

## 1969

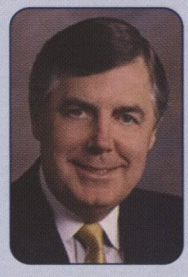
**GLEN S. BAGBY** was recently selected for inclusion in *The Best Lawyers in America* in two areas of practice: Trusts and Estates, and Family Law. Bagby is a partner in the Lexington office of Woodward, Hobson & Fulton, LLP. He is a Fellow of the Kentucky Bar Foundation, the 2005 Kentucky state chair for the American College of Trust and Estate Counsel and president of the Magee Christian Education Foundation.

**C. EDWARD GLASSCOCK** was recently recognized in *The Best Lawyers in America*. He currently serves as co-managing member at Frost Brown Todd LLC. Glasscock is a business lawyer who concentrates his practice in the areas of mergers and acquisitions. He also works with emerging companies on venture capital transactions.

## 1970

**WINSTON E. MILLER** was recently included in *The Best Lawyers in America*. An attorney with Frost Brown Todd LLC, Miller has a diversified background in civil litigation with experience in products liability and mass tort litigation, fire and explosion litigation, employment litigation, toxic tort litigation, and business litigation. A substantial portion of Miller's practice has included defending complex multi-party cases arising out of catastrophic losses and serial litigation.

CLASS OF '70 REUNION
OCTOBER 7-8



## 1971

**WILLIAM T. ROBINSON, III** a UK College of Law Alumni Hall of Fame recipient, became treasurer of the American Bar Association (ABA) in August 2005 and will serve a three year term. As treasurer of the ABA, Robinson oversees the safekeeping of association funds and investments, and reports on association finances to the ABA Board of Governors and House of Delegates. He was also recently named 2005 Northern Kentuckian of the Year by Covington Catholic High School.

A lawyer with Greenebaum Doll & McDonald PLLC, Robinson practices in civil litigation, trial and appellate practice and governmental affairs. He is the Member-In-Charge and Executive Committee Member the of Greater Cincinnati/Northern Kentucky office.

**SHERYL G. SNYDER** has been included in *The Best Lawyers in America*. Snyder is an attorney at Frost Brown Todd LLC. Snyder is chair of the firm's Appellate Practice Group. He has made the appellate oral argument in more than 35 reported decisions, including the Oklahoma City bombing civil litigation.

**PAUL E. SULLIVAN** was recently selected for inclusion in *The Best Lawyers in America*. He is a Member of Frost Brown Todd LLC, and his practice is concentrated in mergers, acquisitions and complex corporate transactions within the banking, manufacturing, minerals extraction and e-commerce industries.

## 1972

**TIMOTHY W. MARTIN** was recently included in *The Best Lawyers in America*. Martin counsels Frost Brown Todd developer and banking clients in connection with the acquisition, zoning, development, financing, leasing and conveyance of commercial developments such as shopping centers and office, warehouse, apartment and multi-family projects.

**EVERETT SANDERS**, a member of the Mississippi Democratic National Committee, recently spoke at the Freedom Fund Banquet, a benefit for the NAACP, in Jackson County, Miss. Everett was the first African-American to be elected as prosecuting attorney for Claiborne County, Miss.

## 1973

**WALTER L. SALES** was recently selected for inclusion in *The Best Lawyers in America*. He has also been selected as a 2005 *Chambers USA America's Leading Lawyers in Business* "Leaders in their Field" attorney. He practices with Ogden, Newell & Welch, PLLC focusing in Labor and Employment, and Commercial Litigation.

## 1974

**JAMES D. LILES** has recently joined the firm of King & Schickli, PLLC in Lexington. He earned his B.S. from the University of Kentucky in 1971 and his LL.M. in 1976 from the Georgetown University Law Center. With over twenty years of experience in the area of intellectual property, Liles will concentrate his practice in the areas of patent prosecution, patent litigation and trademark and unfair competition.

**G. STEPHEN MANNING** was recently hired by Dinsmore & Shohl LLP to practice with the Litigation and Environmental Practice Groups in their Lexington office. He is a former Senior Trial Attorney with the US Department of Justice, Environmental Enforcement Section. Manning has over 30 years experience in environmental and land use law.

**DAN L. OWENS** was recently included in *The Best Lawyers in America*. Owens practices with Frost Brown Todd LLC. He has an extensive 20 year background in the area of Immigration and Nationality Law. He has practiced extensively both in Immigration and Naturalization Service offices throughout the U.S., and before a number of U.S. Consular posts overseas, representing the interests of both individuals and U.S. businesses and Universities which employ foreign nationals.

**JAMES E. ROGERS**, the CEO of Cinergy Corp., has been named future CEO of the energy company to be formed after the merger of Cinergy and Duke Energy Corp. Rogers plans to move to Charlotte, N.C. after the merger deal is closed in late 2006.

## 1975

**WILLIAM R. GARMER** stepped down as chair of the Kentucky Democratic Party in November 2004. He is one of the founding attorneys of Garmer & O'Brien, LLP and currently teaches Litigation Skills at the UK College of Law. *See "Reality Teaching" on page 15 for more about William Garmer.*

**CHARLES R. KEETON** was recently selected for inclusion in *The Best Lawyers in America*. Working for the firm of Frost Brown Todd LLC, Keeton co-manages the Firm's commercial transactions and financial restructuring practices which include commercial financing transactions, equipment financing, purchase, sale and distribution of goods, financial restructuring, bankruptcy reorganizations, and creditors' rights. He also co-manages the firm's practice in e-commerce and cyberspace transactions.

**CHARLES J. LAVELLE** was recently recognized with inclusion in *The Best Lawyers in America*. At the Louisville offices of Greenebaum Doll & McDonald, Lavelle concentrates his practice on Federal income taxation. He is past chair of the Central Regional IRS, the Kentucky Bar Association Tax Section and the Louisville Bar Association Taxation Committee.

CLASS OF '75 REUNION
SEPTEMBER 23-24

## 1976

**MARILYN DANIEL**, director of the Lexington, Ky. based Maxwell Street Clinic, received the Outstanding Citizen-Lawyer Award at the Fayette County Bar Association Law Day in May 2005. The award was given in recognition of Daniel's tireless efforts to help thousands of immigrants in the Lexington area. Daniel is also a UK Law adjunct teaching Immigration Law. *See "Reality Teaching" on page 17 for more about Marilyn Daniel.*

## 1977

**RICHARD H. C. CLAY** was recently selected for inclusion in *The Best Lawyers in America* in two areas of practice: Business Litigation and Personal Injury and Civil Litigation. Clay is a past president of the Kentucky Bar Association and was a member of the KBA Board of Governors from 1992-2000.

**BARBARA BARNSTABLE EDELMAN** was recently selected for inclusion in *The Best Lawyers in America*. She is a partner with Dinsmore & Shohl, LLP and practices in Commercial and Employment Litigation.

## 1978

**BARBARA WILLETT JONES** was recently appointed as general counsel to the University of Kentucky. As UK general counsel, Jones reports directly to UK President Lee T. Todd, Jr. She advises the Board of Trustees, University administrative staff and support personnel on all legal matters and employment issues, provides oversight and supervision to the university legal office, participates in developing UK legislative strategies, and contracts with law firms that represent UK in litigation.

**THOMAS L. ROUSE** was named 2004 Distinguished Lawyer of the Year by the Northern Kentucky Bar Association. The award is presented to a member of the NKBA who has made a meritorious contribution to the enhancement of the legal community.

**MICHAEL RAMAGE**, Florida Department of Law Enforcement General Counsel, was recently named "Legal Elite" by *Florida Trend* Magazine. The Legal Elite represent 1.7 percent of the 56,513 Florida Bar members who practice in the state. In addition, Ramage currently teaches Racketeering and Money Laundering Investigation and other classes at FDLE and has made presentations to several organizations, including the Florida Prosecuting Attorneys Association, the Florida Association of Police Attorneys, the Institute of Police Technology and Management and the International Association of Chiefs of Police. He is an Adjunct Instructor at Tallahassee Community College.

## 1979

**CARL W. BREEDING** was recently included in *The Best Lawyers in America*. Breeding is an attorney with Greenebaum Doll & McDonald PLLC where he practices in environmental law and governmental affairs. He is a member of the Risk Analysis Regulation Development Advisory Group, Air Toxics Advisory Panel and the Governor's Groundwater Advisory Committee.

**ANNE A. CHESNUT** was recently included in *The Best Lawyers in America*. As a member of Greenebaum Doll & McDonald PLLC, she practices in civil litigation, including commercial and construction disputes and toxic torts.

## 1980

**KIMBERLY K. GREENE** was recently selected for inclusion in *The Best Lawyers in America*. She practices in the firm of Dinsmore & Shohl, LLP.

**BRIAN C. HOUSE** recently expanded his London, Ky. based Brian C. House Mediations, LLC by opening an office in Lexington, Ky. He has successfully completed mediation training at Harvard Law School, United States Arbitration and Mediation, and the National Institute for Mediation and Training. House is available to mediate or arbitrate all civil, public policy and labor disputes and will serve as a consultant in negotiations.

**CHARLES E. LOWTHER** recently became a partner with Boehl Stopher & Graves, LLP. He practices in workers' compensation and federal black lung litigation.

CLASS OF '80 REUNION
OCTOBER 14-15

## 1981

**JOHN T. LOVETT** was recently included in *The Best Lawyers in America*. An attorney at Frost Brown Todd LLC, Lovett is Kentucky's only Charter Member of the American Employment Law Council. He is one of only 24 attorneys in the United States serving on the Council on a Union-Free Environment (CUE), an organization founded by the National Association of Manufacturers to help union-free companies solve their personnel problems.

**CHARLES M. PRITCHETT** was recently recognized with inclusion in *The Best Lawyers in America*. An attorney at Frost Brown Todd LLC, Pritchett represents national and regional companies in litigation involving products liability, with a concentration in serial tort, medical device and pharmaceutical litigation. Pritchett is a contributing editor for the *Tort Law Desk Reference*.

**JOHN R. RHORER, JR.** was recently selected for inclusion in *The Best Lawyers in America*. He is a partner with Dinsmore & Shohl, LLP and practices in Natural Resources Law and Real Estate.

**MARTHA ROSENBERG** has been elected as vice-president of the Kentucky Chapter of the American Academy of Matrimonial Lawyers.

**REBECCA F. SCHUPBACH** is joining the firm of Wyatt, Tarrant & Combs, LLP as a partner in the Commercial Litigation Section. She concentrates her practice in the areas of products liability, commercial insurance, general personal injury litigation, and medical and legal malpractice.

**REBECCA H. WHITE** recently became dean of the University of Georgia School of Law after serving as interim dean for 14 months. White, who also holds the J. Alton Hosch Professorship at the school, will be the first female dean in the school's 145-year history. White graduated first in her class from the UK College of Law and served as a clerk for a judge of the Sixth Circuit U.S. Court of Appeals. She practiced labor and employment law with a Cincinnati firm for seven years before joining UGA.

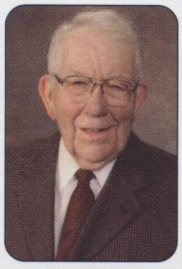
## 1982

**CAROLYN M. BROWN** has been included in *The Best Lawyers in America*. At Greenebaum Doll & McDonald, Brown focuses primarily on environmental law and litigation. She is a past member and officer of the Local Emergency Planning Committee for Fayette County, and past chair of the Natural Resources Law Section and Kentucky Bar Association.

**C. MICHAEL HAINES**, a veteran attorney with the Environmental and Public Protection Cabinet (EPPC), has been named general counsel for the Department for Natural Resources. Haines was named deputy executive director of EPPC'S Office of Legal Services in January 2004. He was also NREPC'S deputy general counsel from 1998 to 2004, serving as the primary negotiator in the Black Mountain Preservation Project and the resolution of the Lands Unsuitable for Mining Order involving the Pine Mountain Settlement School.

# HALL OF FAME 2005 INDUCTEES

*The UK College of Law Alumni Association Hall of Fame was established to acknowledge graduates and former faculty of the College whose extraordinary professional success and contributions, profound positive influence on the College, and high degree of character and integrity are recognized by their peers. Inclusion in the Hall of Fame is the highest honor bestowed by the College of Law.*



**UHEL O. BARRICKMAN** graduated from the University of Kentucky College of Law in 1947 and has served his clients and his communities through the practice of law and his involvement in civic affairs. A member of the bar in Glasgow, Ky. since January 1948, he practices with the firm of Richardson, Gardner, Barrickman & Alexander. Barrickman received his undergraduate education at the University of Kentucky, earning a B.A. in 1941. Following graduation during World War II, he served in the Army in the European Theater of Operations. His involvement with the University of Kentucky through the years has been notable, including service on the Board of Directors of both the UK College of Law Alumni Association and the UK Alumni Association, as a UK Fellow and Lafferty Society member.

**JAMES E. KELLER** graduated from the University of Kentucky College of Law in 1966 and served the Commonwealth as a practicing attorney, trial court judge and appellate judge. Born in Harlan, he did his undergraduate work at Eastern Kentucky University. In private practice from 1969 until 1976, he served as a circuit court judge and as chief judge in Fayette County for more than twenty years. In 1999, he was appointed an Associate Justice of the Kentucky Supreme Court, a position from which he retired this year. His judicial tenure was marked by innovation and progress, including the Parents Education Clinic, Kids Time and Tween Time programs for counseling in connection with domestic cases, drug court, and a new approach to child support enforcement. A friend and mentor to young lawyers, he epitomizes the role of lawyer and judge. A loyal graduate of the College of Law, he has served the College in many capacities over his professional career.

**CARROLL M. REDFORD, JR.** graduated from the University of Kentucky College of Law in 1959 and served his clients and the legal profession through the public and private practice of law and volunteer leadership in his community. Following a clerkship with the Kentucky Court of Appeals, he joined his father in practice in Glasgow in 1960 and served that community until his death on Nov. 29, 2003. He was first elected judge of the Police Court, and then served as County Attorney for Barren County for twelve years, and then as Commonwealth's Attorney for Barren and Metcalfe Counties for 14 years. After service as a Circuit Judge, he returned to private practice. He was active in, and was honored by, the state-wide association of prosecutors, and a range of civic groups in the Glasgow community. He was an early supporter and president of the Kentucky Bar Foundation. A past president of the College of Law Alumni Association, he was a constant and dedicated supporter of the College of Law.

## CLASS **NOTES**–continued

**WARREN J. HOFFMAN** was recently selected for inclusion in *The Best Lawyers in America*. He is a member of Frost Brown Todd LLC, and practices general corporate and commercial law, with special emphasis on matters relating to the coal and electric utility industries.

**JANET P. JAKUBOWICZ**, a member of Greenebaum Doll & McDonald's Litigation and Dispute Resolution Group, recently became secretary of the Louisville Bar Association (LBA). She previously served on the LBA Board of Directors and as Membership Committee Chair.

**W. GREGORY KING** was recently selected for inclusion in *The Best Lawyers in America*. He has also been named as a 2005 *Chambers USA America's Leading Lawyers for Business*'s "Leaders in Their Field" attorney. He practices with Ogden, Newell & Welch, PLLC focusing in Medical Malpractice Defense and Product Liability.

**KENDRICK R. RIGGS** has been selected for inclusion in the 2005 *Chambers USA America's Leading Lawyers for Business* "Leaders in Their Field" attorney list. He was also recently selected for inclusion in *The Best Lawyers in America*. Riggs practices at the Louisville office of Ogden Newell & Welch, PLLC.

**MICHAEL T. SUTTON**'s firm Sutton, Hicks, Lucas, Grayson & Braden PLLC was recently selected by the Northern Kentucky Chamber of Commerce as one of the "Emerging 30" fastest growing small businesses in Northern Kentucky. Sutton is the managing partner of the firm.

**ELIZABETH LEE THOMPSON**, a member of Stites & Harbison's Creditors' Rights and Bankruptcy Service Group in Lexington, graduated as part of the 2004 class of Leadership Kentucky. Approximately 50 individuals who exhibit leadership in their professional and volunteer activities are selected statewide annually to participate.

## 1983

**DENIS FLEMING** was recently named chief of staff to Kentucky 6th District US Representative Ben Chandler (UK Law '86). Prior to Capitol Hill, Fleming served as general counsel to the governor of Kentucky from 1995 to 2003. Most recently, he served as the chief deputy attorney general of Kentucky. The Louisville native also has experience in the private sector. Prior to his government work, Fleming practiced law in the Bluegrass state with an emphasis in corporate law and litigation. He also served as counsel to the state Democratic Party.

**WILLIAM H. NEELY** recently joined Sherrard & Roe as a partner, leaving the same position at Stokes, Bartholomew, Evans & Petree. The Mayfield, Ky., native specializes in corporate and partnership taxation, tax-exempt organizations and employee benefits.

## 1984

**C. R. "CHIP" BOWLES** is chairing an American Bankruptcy Institute (ABI) steering committee overseeing an ABI grant to study professional fees in Chapter 11 business bankruptcy cases. Preliminary work began this summer and the final report will be completed by Fall 2007.

**DEAN A. LANGDON** recently had his article "Treatment of Leases in Bankruptcy" published in the May issue of *Bench & Bar*. He practices at the firm of Wise Delcotto, PLLC in Lexington, Ky. His practice focuses on representation of business and individual debtors in Chapter 11 and Chapter 13 reorganizations. Langdon is also a member of the American Bankruptcy Institute.

## 1985

**CYNTHIA L. STEWART** was recently recognized in *The Best Lawyers in America*. Practicing with Frost Brown Todd LLC, Stewart focuses her practice in the technology field, representing both technology providers and businesses that license, acquire and develop their own technology.

**DEBORAH HOLLAND TUDOR** was recently selected for inclusion in *The Best Lawyers in America*. She is a member of Frost Brown Todd LLC, and practices in the Corporate Department of the Firm concentrating in the area of employee benefits.

**ALEXANDER M. WALDROP** recently rejoined the firm of Wyatt, Tarrant & Combs, LLP after serving as president of Churchill Downs Racetrack.

**LINSEY W. WEST** was recently selected for inclusion in *The Best Lawyers in America* in the practice area of Personal Injury Litigation. West is a partner in the Lexington office of Woodward, Hobson & Fulton, LLP.

CLASS OF '85 REUNION
OCTOBER 28-29

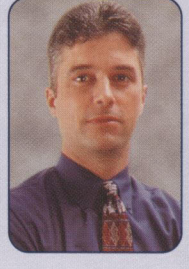
## 1986

**JEFFREY R. TIPTON** was recently re-elected vice-chair of the Kentucky Registry of Election Finance. The Kentucky Registry of Election Finance administers and enforces the laws regulating the financing of state and local elections in Kentucky.

## 1987

**JOHN C. BENDER** was recently recognized in *The Best Lawyers in America*. As an attorney with Greenebaum Doll & McDonald PLLC, Bender concentrates his practice on environmental law and litigation. He has published numerous articles on this and other topics and is editor of the *Kentucky Air Quality Review*, a quarterly newsletter published since March 1998 by Greenebaum Doll & McDonald PLLC.

**MICHAEL O. CAPERTON**, a Laurel County district judge, has been in the news lately because he has been offering some drug and alcohol offenders the option of attending worship services instead of going to jail or rehab—a ruling that is being questioned on the grounds of separation of church and state. Caperton told the Louisville *Courier-Journal* that his goal in sentencing offenders to church is "to help people and their families."



**EARL F. MARTIN, III** became dean of the Gonzaga University School of Law on July 1, 2005. He previously served as associate dean for academic affairs at Texas Wesleyan University School of Law.

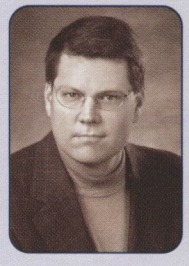
**DEBORAH SHAW** has joined the firm of Kerrick, Stivers & Coyle, PLC as an associate in the Elizabethtown, Ky. office. She will be practicing in the areas of domestic and municipal law.

## 1988

**GLENN E. ALGIE** has been elected as a partner in the firm of Weltman, Weinberg & Reis, Co., LPA. Algie manages the Litigation and Defense Department for the Cincinnati office.

## 1989

**STEPHEN G. ALLEN** has been elected to membership in the firm of Stites & Harbison, PLLC. Also a mining engineer, Allen's practice focuses on mineral law, governmental enforcement and permitting needs.



**JOHN C. ROGERS** was recently re-elected chair of the Kentucky Registry of Election Finance. The Kentucky Registry of Election Finance administers and enforces the laws regulating the financing of state and local elections in Kentucky.

## 1990

**THOMAS E. RUTLEDGE**, a member of Ogden Newell & Welch PLLC, was recently elected to membership in the American Law Institute. At the 2005 American Bar Association annual meeting, Rutledge presented a talk entitled "Which Courthouse Door? Diversity Jurisdiction and Unincorporated Business Organization (and even some that are Incorporated)", and served as co-chair of a session on partnerships and unincorporated business organizations. He has also been named to the 2005 *Chambers USA America's Leading Lawyers for Business* "Leaders in Their Field" attorney list. Rutledge practices with Ogden Newell & Welch, PLLC and currently teaches Advanced Business Organizations at the UK College of Law. *See "Reality Teaching" on page 14 for more about the College's adjunct instructors.*

## 1991

**CHRISTOPHER R. CASHEN** recently joined the Lexington office of Wyatt, Tarrant & Combs, LLP. He has been named the chair of the firm's Products Liability Practice Group and will join the Commercial Litigation Practice Group.

**ANNE E. GORHAM** has been elected to the Governing Committee of the American Bar Association Forum on the Construction Industry. Gorham is a partner of Stites & Harbison, and serves as chair of the Construction Service Group. Her practice focuses on construction litigation and construction contract drafting and negotiation.

Counsel On Call, a company founded by and run by **JANE HANNER ALLEN**, was recently ranked number 133 on the *Inc.* 500 List of the fastest growing privately held companies in the United States as compiled by *Inc.* magazine. Counsel On Call places well-credentialed and experienced attorneys into part-time or project positions in law firms and corporate legal departments. The company, which was founded by Allen in 2000 in Nashville, Tenn., has grown to have offices in Nashville, Atlanta, and Memphis and employs attorneys across the country.

## 1992

**MARTHA J. DAMON** has been selected by *Virginia Business* magazine for inclusion in the "2004 Legal Elite." Damon practices in tax, trust and estate law with Litten & Sipe LLP in Harrisonburg, Va.

**LAURA HROMYAK HENDRIX** was recently appointed as general counsel for the Kentucky Legislative Research Commission. She resides in Frankfort, Ky. with her husband Doug and their three children: Madeleine, Sydney and Cooper.

**WILL MONTAGUE** has joined the firm of Dinsmore & Shohl, LLP as a partner. His practice focuses on intellectual property counseling and litigation, particularly technology-related matters involving copyright, trade secret and trademark issues.

**JOHN C. ROACH** was recently appointed to the Kentucky Supreme Court by Governor Ernie Fletcher to fill the vacancy left by the resignation of Justice James Keller (UK Law '65). He will run for the office in a special election in November 2006. Roach served as general counsel to the Governor since 2003. He previously worked as an employment and civil rights lawyer in Lexington, Ky. and as a corporate transactions attorney for Akin, Gump, Strauss, Hauer & Feld LLP in Washington, D.C.

## 1993

**JONATHAN D. NIEMEYER** has been promoted by Western & Southern Financial Group to the position of vice-president and associate general counsel. In this position, Niemeyer will continue to oversee and manage the legal work of Fort Washington Investment Advisors, Inc. He will also assist the senior vice president and general counsel with general corporate and transactional work.

## 1994

**KURT A. SCHARFENBERGER** recently joined Greenebaum Doll & McDonald PLLC as an associate in the Louisville, Ky. office. He practices in commercial litigation, asbestos products defense and products liability.

**BRETT H. TODD**, an attorney with Fulbright & Jaworski LLP, was recently named a "Texas Super Layer" by *Texas Monthly* magazine. The award is given to less than five percent of Texas attorneys admitted to the Texas Bar.

## 1995

**HASAN DAVIS**, founder and director of Youth Empowerment Solutions of Berea, Ky., recently facilitated a workshop titled "Re-energize Your Commitment! Together Achieving Educational Success in the 21st Century," at Indiana University —South Bend. Davis is an expert in the field of youth development and empowerment. Diagnosed with learning disabilities and attention deficit disorder at age 11, he uses his work to create an environment for "new learning" so all people can succeed.

**J. D. KERMODE** recently published an article titled "A Defective Acknowledgment: Avoiding a Recorded Mortgage in Bankruptcy" in the May 2005 issue of *Bench & Bar*. J.D. is a member of Atkinson, Simms & Kermode, PLLC in Lexington, Ky. He specializes in bankruptcy law.

**D. CHAD McCOY** recently made partner at McCoy & Sparks, PLLC in Bardstown, Ky. His practice focuses on personal injury and criminal defense.

CLASS OF '95 REUNION
OCTOBER 14-15

## 1996

**CHRISTOPHER C. WISCHER** recently made partner at Bamberger, Foreman, Oswald and Hahn, LLP. He practices primarily in the firm's Evansville, Ind. office, focusing his practice in commercial real estate, zoning and land use, title insurance and general business law.

## 1997

**PAMELA J. LEDFORD** recently joined the Louisville, Ky. law firm of Blackburn, Hundley & Domene PLLC as an associate, and will continue her practice in commercial, employment, and general civil litigation.

**MARTY S. TURNER** became a shareholder at Colbert & Winstead, PC of Nashville, Tenn. in January 2005. His practice focuses on civil litigation in the areas of commercial disputes, personal injury, torts, railroads and transportation, contracts, labor and employment.

## 1998

**CINDY GREGORY CRIDER** is the proud mother of two children: Emmanuelle Grace born July 9, 2001 and Isabella Faith born December 2, 2002.

**TREY GRAYSON,** Kentucky Secretary of State, was recently named an Outstanding Young Kentuckian by the Kentucky Junior Chamber (Jaycees).

**BRADLEY C. HOOKS** recently became a partner with the firm of Landrum & Shouse LLP in Lexington, Ky. He focuses his practice on insurance defense and personal injury litigation.

**JENNIFER MOORE** was named 2005 Outstanding Young Lawyer of the Year by the Kentucky Bar Association. Moore practices law with the firm of Fernandez Friedman Grossman Kohn & Son PLLC in Louisville, Ky. Her practice areas include personal injury, automobile accidents, constitutional law, wrongful death, professional malpractice, products liability, employment discrimination and wrongful termination.

**DAVID TANDY** was recently named 4th District Representative of the Louisville Metro Council. Tandy is member of the Louisville Metro Police Merit Board and is on the executive committee of the Louisville Branch of the NAACP.

## 1999

**SHARON E. GRONOTTE** joined the firm of Ulmer & Berne, LLP in Cincinnati, Ohio as an associate. She concentrates her practice on product liability defense and drug and medical device litigation.

**KARA M. STEWART** joined the law firm of Garmer & O'Brien, LLP in Lexington, Ky. She will concentrate her practice in the areas of product liability, medical negligence, commercial litigation and personal injury.

## 2000

**ELLEN ARVIN KENNEDY** recently had an article titled "Can They Really Do That?" published in the May 2005 issue of *Bench & Bar*. Kennedy is an attorney with the law firm of Fowler, Measle & Bell, LLP in Lexington, Ky. She focuses her practice on bankruptcy and commercial matters and is an active member of the Kentucky Bar Association Bankruptcy Section.

**DAVID S. SAMFORD** recently resigned as a member of the Kentucky Registry of Election Finance to accept a position with the Fletcher administration. He is currently serving as executive director of the Kentucky Transportation Cabinet's Office of Legal Affairs.

## 2001

**BENJAMIN G. DUSING** recently joined the Litigation Group of Baker & Hostetler LLP in Cincinnati, Ohio. Prior to joining the firm, Dusing was a judicial clerk to Judge Eugene E. Siler.

**CHERYL EDWARDS JAMES** was named the new Lexington Junior League President in September 2004. She is the service organization's first African-American president. James, an attorney who works for U.S. Bankruptcy Court Chief Judge Joseph M. Scott, Jr., has been a member of the Junior League of Lexington for 11 years. In 1993, she became one of the first three African-American women tapped for membership in the local Junior League.

In addition to being president of the Junior League, James is the clerk of Imani Baptist Church and a member of the housing committee of Community Ventures Corp. She lives in Lexington, Ky. with her husband Earl and her son, Carter.

**M. SCOTT McINTYRE** joined the Cincinnati, Ohio firm of Keating, Muething & Klekamp, PLL as an associate. He will concentrate his practice in general civil litigation and labor and employment law.

**M. ALLISON PECK** recently began practicing at the Louisville, Ky. law firm of Blackburn, Hundley & Domene as an associate. She will focus her practice on healthcare, commercial and insurance-related litigation.

**CATHERINE STIVERS PURDY** recently joined the Lexington, Ky. office of Wyatt, Tarrant & Combs, LLP. She is a member of the firm's Commercial Litigation Practice Group and will concentrate her practice in litigation with an emphasis on products and premises liability.

**JONATHAN "JOE" WELLS** has recently been elected vice president of the Oldham, Trimble and Henry County Bar Association.

## 2002

**BENJAMIN CRITTENDEN** recently joined the Frankfort, Ky. law office of Stites & Harbison where he is a member of the firm's Business Litigation Service Group. Crittenden served as law clerk to Chief Judge Karl S. Forester in the US District Court before joining Stites & Harbison.

## 2003

**JESSICA K. CASE** was hired as an associate with Dinsmore & Shohl to practice in the Labor & Employment Law department in their Lexington, Ky. office.

**SUZAN J. HIXON** has joined the Louisville, Ky. office of Greenebaum, Doll & McDonald, PLLC as an associate. Hixon's concentrates her practice in U.S. and international intellectual property, licensing and international law, trademark and patent law.

**KATHERYNE B. RAINES** has recently been named associate to the Louisville, Ky. office of Wyatt, Tarrant, and Combs, LLP. After law school, Raines served as a law clerk to the Honorable Joseph M. Hood, U.S. District Court Judge of the Eastern District of Kentucky.

**AMANDA G. SIMMONS,** formerly corporate counsel for The Crown Companies, Inc., has joined the GrayRobinson law firm as an associate in their Orlando, Fla. office. Simmons will practice in the areas of corporate transactions and equine law.

## 2004

**CALEB BLAND** is employed by Bland & Birdwhistell in Elizabethtown, Ky. His practice area consists mainly of worker's compensation, personal injury, criminal defense and general litigation.

## CAREER SERVICES

The National Association for Law Placement and *U.S. News & World Report* rank law schools, in part, based on our graduate employment statistics. Your assistance in locating employment for our students and graduates has a direct impact on the rankings and reputation of the College, making your diploma even more valuable.

### Ways You Can Help!

- ☐ Serve as a UK alumni contact in my geographical/practice area
- ☐ Visit campus to speak at career workshops/seminars
- ☐ Provide housing to students interviewing in my city
- ☐ Tell us about career opportunities for graduates with experience, recent graduates, or clerkship opportunities

**Contact: Susan Steele**
**Associate Dean of Career Services**
**ssteele@email.uky.edu (email)**
**(859) 257-8959 (phone)**
**(859) 323-1061 (fax)**

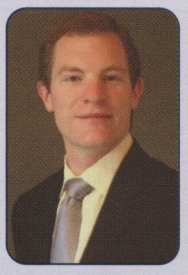
**ELIZABETH ASHLEY BRUCE** has joined Kerrick, Stiver & Coyle, PLC as an associate in the Bowling Green, Ky. office. She will practice in the areas of medical malpractice and insurance litigation.

**AMY E. COLLIER** recently became an associate in the Lexington, Ky. office of Woodward, Hobson & Fulton LLP. She is currently practicing in the areas of litigation defense and products liability.

**HOLLY NEIKIRK LANKSTER** recently joined the Lexington, Ky. office of Stites & Harbison. She is a member of the firm's Torts and Insurance Practice Service Group. She concentrates primarily on tort liability and personal injury.

**MATTHEW MALONE** recently joined the firm Hurt, Crosbie & May, PLLC in Lexington, Ky. He focuses his practice on civil litigation, domestic relations and business law.

**CHRISTOPHER M. MAYER** joined Phillips, Parker, Oberson & Moore, P.L.C. in Louisville, Ky. He will focus his practice in insurance defense and civil litigation.



**M. TODD OSTERLOH** recently accepted a position as Court Counsel with the Supreme Court of Palau. A court counsel is very similar to that of an appellate clerkship. Osterloh's primary responsibility is to assist judges on the appellate panels by preparing bench memoranda before oral argument and drafting proposed opinions after argument/deliberation. Each year, the Palaun Supreme Court hires three Court Counsels for one-year positions.

From 2004-2005, Osterloh served as a law clerk to U.S. Magistrate Judge Tu M. Pham in the Western District of Tennessee in Memphis, Tenn.

**CLAYTON O. OSWALD** recently joined the London, Ky. office of Taylor, Keller, Dunaway & Tooms, PLLC. He practices in insurance defense and general business litigation.

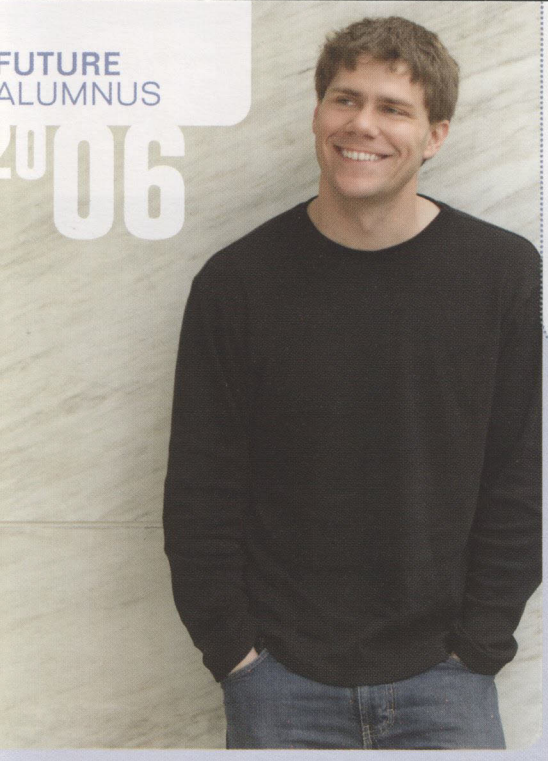
**NICOLA A. L. PRALL** has joined Chapman Law Firm in Greensboro, N.C., which specializes in immigration law. Prall is fluent in Spanish and advanced in Portuguese.

**AARON REEDY** recently joined the firm Hurt, Crosbie & May, PLLC in Lexington, Ky. He focuses his practice on civil litigation, domestic relations and business law.

**SALLY SPIELVOGEL** recently joined the Personal Planning and Family Business Practice Group at Frost, Brown, Todd LLC in Lexington, Ky. She practices primarily in the areas of corporate and partnership taxation, estate and gift taxation and individual income taxation.

**CHRISTINA L. VESSELS** has joined the firm of Fowler, Measle & Bell, LLP in Lexington, Ky. as an associate. Her primary area of practice will be litigation.

**ANNA M. WARNOCK** joined Frost, Brown, Todd LLC in Lexington, Ky. as an associate in the litigation department. Warnock has both personal and professional interests in environmental and international affairs. Prior to joining Frost, Brown, Todd LLC, she worked at the Kentucky Refugee Ministry as a French translator and has participated in environmental awareness programs. ☐




## RWANDA: INTERNING FOR JUSTICE

Josh Miller, a third-year law student, spent the summer of 2005 in Arusha, Tanzania interning with the International Criminal Tribunal for Rwanda (ICTR).

The ICTR was created in November 1994 to contribute to the process of national reconciliation in Rwanda following the Rwanda genocide. The primary responsibility of the ICTR is to prosecute persons responsible for genocide and other serious violations of international humanitarian law in Rwanda and neighboring territories in 1994.

The ICTR Internship Program is geared towards providing offices of the ICTR with the assistance of students and professionals specializing in fields relevant to the work of the Tribunal, such as international relations, law, economics, political science, philosophy, journalism, translation and terminology.

While the internship provided no monetary compensation, travel or accommodation expenses, Miller received generous funding from the Student Public Law Information Foundation, the Black Law Students Association and the International Law Society. □

## KEEP US **POSTED**

Be included in Class Notes! Email or fax updates to:

**Julie Dunn**
Alumni Program Coordinator
(859) 323-1061 (fax)
jdunn@email.uky.edu

**Rebekah Tilley**
Communications Director
(859) 323-1061 (fax)
rtilley@uky.edu

**Or mail to:**
*Law Notes*
UK College of Law
209 Law Building
Lexington, KY 40506-0048

### Career

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### Personal

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Name *(First, Last, Birth if applicable)*: _____

Title: _____

Law Office/Business Name: _____

Address change?

☐ No ☐ Yes, new address:

_____

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_____

Phone: _____ Class Year: _____

Email: _____

Due to the volume of Class Notes, we cannot verify submissions. Please make sure your news is accurate, complete and legible.

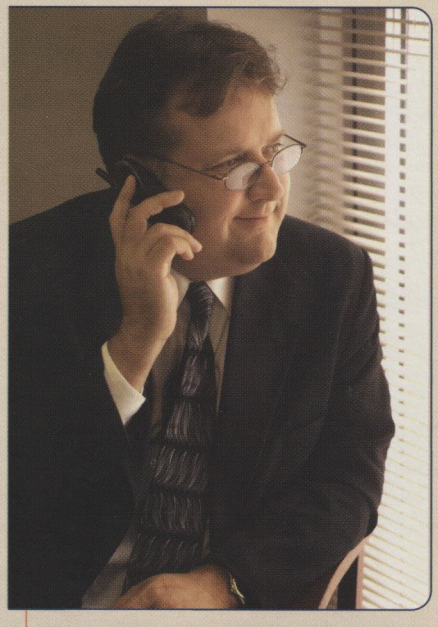
**Pictures are appreciated** and will be returned after publication if return address information is included with your photo. If you choose to send digital photos, please email them to Julie Dunn, jdunn@email.uky.edu or Rebekah Tilley, rtilley@uky.edu. Digital photos must be at least 1"x 2" at 300 dpi to be included in the publication.

# transitions

## ▸ NEW **POSITIONS**

**HELANE DAVIS**, associate director and head of public services at the UK Alvin E. Evans Law Library, joined the College in February 2005. She holds a B.A. from Northwestern University, a J.D. from the University of Iowa and a M.S. in Library and Information Science from the University of Washington, Seattle. Previously, Davis was publications coordinator and librarian at the Seattle University School of Law.

**THOMAS G. HOFFMAN II** joined the College as assistant dean of development in September 2004. He received a B.S. in Journalism and M.A. in College Student Personnel from Bowling Green State University. Prior to his arrival at the College, he served as vice president for university advancement at Ohio Dominican University and director of development at the Moritz College of Law, The Ohio State University.



Tom Hoffman
Assistant Dean of Development

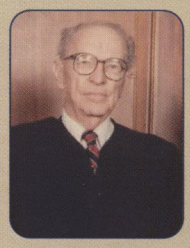
**JANE SALSMAN** became the UK College of Law registrar in January 2005 after working in student services at UK since 1989. She enjoys helping students navigate the sometimes choppy waters when earning a degree. Jane has three sons: Sammy, the father of her two precious grandsons; Brandon, a UK alumnus and teacher at Lexington Catholic High School; and Nicholas, who just earned a PhD in Clinical Psychology. Since her children left the nest, Jane remarks that she has enjoying "remaking herself outside the mom world."

**MICHELE TARRY** is the new face of the Dean's Office, becoming Dean Vestal's staff support associate in March 2005. The native Lexingtonian holds an A.A. from Lexington Community College.

**REBEKAH MEADOR TILLEY** was named communications director in June 2005. She received an M.A. in Communication from the University of Kentucky. While a graduate student, Tilley was employed as a graduate assistant publicist in the UK College of Arts & Science's External Relations Office. She also served as secretary of the UK Communication Graduate Student Association and was a member of the UK Student Health Advisory Committee.

**ROBERT K. WHELAN** was named reference librarian of the UK Alvin E. Evans Law Library in January 2005 after working as head reference librarian of the State Law Library of Montana. He holds a M.L.S. in Library Science from Southern Connecticut State University and a J.D. from the University of Connecticut School of Law.

## ▸ IN **MEMORY—**



**JUSTICE JAMES B. STEPHENSON**

After a lifetime of service to the Commonwealth's judicial system, former Kentucky Supreme Court Justice James B. Stephenson died June 21, 2005 at the age of 89. Born Jan. 26, 1916, Stephenson was the son of E.D. Stephenson, a former Pike Circuit Court judge and four-term Democratic state senator.

Following completion of a B.A. in pre-law at the University of Kentucky, Stephenson served as captain in the Army Air Corps during World War II, receiving seven battle stars and a presidential unit citation. After graduating with the UK Law Class of 1951, he practiced law in Pikeville, Ky., and was elected as Pike County Circuit Court judge from 1958 to 1972. In 1972, Stephenson was elected to the Kentucky Court of Appeals in 1972, which was then the state's highest court. He was a state Supreme Court justice from 1976, when that court was established, through 1988.

Justice Stephenson was celebrated for his work in the courts, most notably in the coal industry where he was particularly influential.

**MARTHA GRANGE**

Martha Grange, who served the College for more than 20 years as registrar and staff assistant to the Dean before her retirement in the early 1990s, died June 25, 2005.

Martha occupied the innermost office of the Dean's suite and in that corner served the College in a number of ways, always arm-in-arm with her great friend Barbara Drake. Martha meticulously kept accurate student records and she guarded the confidentiality of those records long before it was required by law. She enjoyed and loved law students as her own children, and had great relationships with faculty members such as Fred Whiteside, Paul Oberst, and Burt Ham. She had the complete trust of all six deans under whom she served.

Martha was greatly missed by members of the law school community after her retirement and will now be missed even more.

### ELIZABETH "LIBBET" OBERST

Elizabeth Durfee Oberst, widow of long-time UK Law professor Paul Oberst, died peacefully on March 29, 2005, at the age of 89. "Libbet," as she was known to many students, faculty, and staff, had moved to Oregon to be near two of her children.

Libbet led a remarkable life. After graduating from the University of Michigan with a degree in library science in 1935, she went on to take two additional degrees from that institution, a M.A. in library science in 1937 and a J.D. in 1941. There too she met Paul.

Here in Kentucky her accomplishments were many. Along with raising five children, Libbet made substantial contributions to both the College of Law and to the Commonwealth's legal system. Among other things, she compiled a cumulative index and performed research and editing for the *Kentucky Law Journal*, performed research for the Kentucky Model Courts Project, and wrote a manual for clerks of the circuit courts. She also had a hand in drafting Kentucky's rules of appellate procedure, Kentucky's rules for the selection of juries, and a benchbook for judges.

Libbet was active in her community, earning a reputation for kindness and generosity among children in her neighborhood, and serving as a stalwart at her church, the Newman Center, which she and Paul helped to establish. Libbet was also a gifted pianist (with special fondness for Mozart), and designed and made most of her clothes.

Libbet is survived by her five children, Paul, James, George, Mary, and John, and their families.

*Please send remembrances to the Paul and Elizabeth Oberst Scholarship Fund, University of Kentucky Law School, College of Law Building, Room 226, Lexington, KY 40506-0048.*

**1914**
W. J. Sandford

**1915**
Louis J. Emmert
Gustavus A. Rice

**1920**
Herbert P. Haley
Cecil H. Heavrin
Edward A. Puryear

**1921**
Granvil W. Smith

**1922**
Tolbert P. Oliver
Edwin E. Slosson

**1923**
Wilbur C. Pickett

**1926**
Henry R. Prewitt
Sanford B. Triplett

**1928**
Truman G. Rumberger

**1929**
Robert L. Moss

**1930**
Roderick E. Keeney

**1936**
Henry F. Turner, Jr.

**1937**
Edwin S. Campbell

**1938**
Joseph S. Freeland

**1940**
Jason B. Gilliland
J. Keller Whitaker

**1942**
John H. Clarke, Jr.
William T. Comiskey

**1943**
Paris V. Swinford

**1946**
Mary E. Borden
Carleton M. Davis

**1947**
James E. Adkins, Sr.
Preston M. Davidson
Judge J. David Francis
Raymond R. Vincent

**1948**
William H. Coldiron
Giles J. McCarthy

**1949**
Theodore Caddell
Alexander D. Hall, Jr.
Earl Huddleston
James A. Tyler

**1950**
Judge Richard L. Hinton
William H. Parham
Virgil F. Pryor

**1951**
Charles R. Gromley
Robert M. Pearce
Justice James B. Stephenson

**1954**
William J. Briggs

**1955**
Homer A. Porter, Jr.

**1957**
Robert E. Harding, Jr.

**1958**
Britton P. Franklin

**1962**
William M. Cox, Jr.

**1967**
Robert E. Gillum

**1969**
Larry M. Greathouse

**1971**
Richard G. Chrisman

**1972**
Gordon T. Mercer

**1973**
Delmon W. Miller

**1974**
Kathleen O. McCabe

**1977**
Ronald L. Woodard

**1978**
Samuel E. Begley

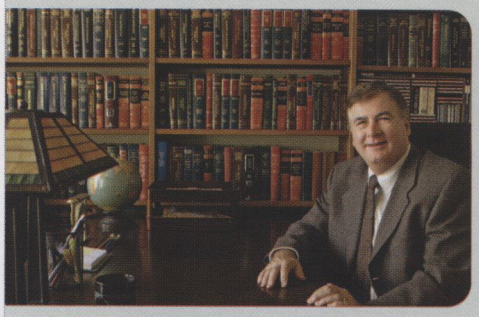
**1983**
Christopher P. Bastien

**1991**
John H. Bronaugh

**1992**
Albert C. Harberson
Tina L. Nunley

# CLOSING ARGUMENT

by Richard C. Ausness
Ashland Oil Professor of Law



## UNITED STATES V. PHILIP MORRIS: FALLOUT FROM THE FEDERAL GOVERNMENT'S RICO LAWSUIT AGAINST THE TOBACCO INDUSTRY

Government entities are suing product manufacturers with increasing frequency to recover public funds spent for government services provided to injured consumers. United States v. Philip Morris exemplifies this type of litigation and demonstrates how government entities use litigation to promote regulatory goals that have not received legislative approval.

The United States Department of Justice (DOJ) brought this lawsuit against the tobacco industry. In its original complaint DOJ sought recoupment damages for past and future smoking-related health care expenditures and "disgorgement" of any profits that were derived from past racketeering activity. DOJ also sought an order requiring tobacco companies to fund various anti-smoking campaigns and to make corrective statements regarding the health risks of smoking and the addictive qualities of nicotine.

Early in the proceedings, the trial court dismissed the recoupment claims, leaving only claims based on alleged violations of the Racketeer Influenced and Corrupt Organizations Act, commonly known as "RICO." According to DOJ, the tobacco industry had conspired to mislead the American public about the health risks of smoking, the addictive nature of nicotine, and the feasibility of developing safer and less addictive tobacco products. DOJ also charged that tobacco companies withheld information from the Surgeon General about the addictive qualities of nicotine and manipulated the nicotine levels in cigarettes.

In its disgorgement claim, DOJ asked for $280 billion in damages, reflecting the proceeds from cigarette sales to the "youth addicted population" between 1971 and 2001. The trial court refused to dismiss the disgorgement claim, but the District of Columbia Circuit of Appeals ruled that disgorgement was not an appropriate form of relief under the facts of this case. The court declared that the RICO only gave the courts such equitable powers as were necessary to prevent future violations of the statute. In the court's view, cigarette companies were no longer violating RICO and, therefore, disgorgement was not necessary to prevent future misconduct. As a result of this decision, the government suddenly reduced its demand from $140 billion to a mere $14 billion.

The Philip Morris case is just one of many lawsuits that federal, state and local governments have brought in recent years against product manufacturers. Although these lawsuits vary somewhat in detail, they raise many of the same concerns. First of all, government entities often bring these lawsuits to implement unspoken regulatory agendas. However, this sort of "legislation by litigation" is undesirable because it imposes regulatory burdens on manufacturers without legislative action by the elected representatives of the people.

In addition, government entities seem to view products liability litigation as a promising source of revenue. The Federal government's lawsuit against the tobacco industry was prompted, at least in part, by the $200 billion windfall the states received from cigarettes manufacturers in 1998. Municipalities and some states are now suing manufacturers of firearms and lead-based paint. Lawsuits are likely in the future against purveyors of alcoholic beverages, fast food and other unhealthy products.

These lawsuits also have devastating economic effects. The cost of litigating these lawsuits is enormous and damage awards and settlements can be even more costly. They not only cause economic harm to manufacturers, but also to employees, suppliers, shareholders and the communities where these industries are located.

**Manufacturers have a duty to produce and sell safe products and it is appropriate for governmental entities to regulate product safety. Furthermore, consumers who are injured by defective products should be able to sue for compensation. However, I believe that government entities should not be allowed to bring tort claims against product manufacturers under the guise of recouping the costs of health care or other public services.** □

*Closing Argument is a forum for faculty to express their opinions on controversial legal topics. Your reactions are welcome and may be submitted to Law Notes, 209 Law Building, Lexington, KY 40506-0048. Published letters may be edited for length and clarity.*

THE ARCHIVE

# looking back '57

**Law students enjoy the crisp fall air and a game of touch football on the lawn of Lafferty Hall, then home of the UK College of Law.**

*Courtesy of University Archives and Records Program, Special Collections and Digital Programs, University of Kentucky Libraries*

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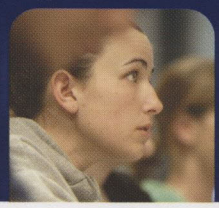

## Upcoming Events

| | |
|---|---|
| **September 23 & 24** | Class of '75 Reunion |
| **September 30** | Practicing Under the New Bankruptcy Code:<br>A Nuts & Bolts Workshop<br>*The Campbell House*<br>*Crowne Plaza Hotel*<br>*Lexington, Kentucky* |
| **October 7 & 8** | Class of '70 Reunion |
| **October 14** | Appreciation Luncheon<br>*Sal's Restaurant* |
| **October 14 & 15** | Classes of '60, '80 & '95 Reunions |
| **October 29** | Alumni Homecoming Tent Party<br>Two hours prior to kickoff<br>Kentucky v. Mississippi State<br>*Lexington, Kentucky* |
| **October 28 & 29** | Class of '85 Reunion |
| **November 11** | 15th Biennial Family Law Institute<br>*University of Kentucky College of Law*<br>*Lexington, Kentucky* |
| **February 3-4, 2006** | 13th Biennial Securities Law Conference<br>*Hyatt Regency Hotel*<br>*Louisville, Kentucky* |